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ABSTRACT

The transcripts of the hearings on Senate Joint Resolution 167, proposing an amendment to the United States Constitution with regard to establishment of English as the country's official language includes: the statements of three committee members (Senators Orrin G. Hatch, Jeremiah Denton, and Dennis DeConcini); the text of the proposed legislation; the testimony of the witnesses (Senators Walter D. Huddleston, Quentin N. Burdick, and Steven D. Symms; former Senator S. I. Hayakawa; Congressmen Norman D. Shumway, and Baltasar Corrada, Gerda Bikales of U.S. English, and Arnoldo S. Torres of the League of United Latin American Citizens), presented chronologically; the witnesses' submitted materials, presented alphabetically; additional materials submitted for the record; and related correspondence. (MSE)

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THE ENGLISH LANGUAGE AMENDMENT

HEARING

BEFORE THE

SUBCOMMITTEE ON THE CONSTITUTION

OF THE

COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

SECOND SESSION

ON

S.J. Res. 167

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES WITH RESPECT TO THE ENGLISH LANGUAGE

JUNE 12, 1984

Serial No. J-98-126

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THE ENGLISH LANGUAGE AMENDMENT

TUESDAY, JUNE 12, 1984

U.S. SENATE,
SUBCOMMITTEE ON THE CONSTITUTION,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:31 a.m., in room SD-226, Dirksen Senate Office Building, Hon. Orrin G. Hatch (chairman of the subcommittee) presiding.

Present: Senator DeConcini.

Staff present: Stephen J. Markman, chief counsel and staff director; Randall R. Rader, general counsel; Carol Epps, chief clerk; and Deborah Dahl, clerk, Subcommittee on the Constitution; and Mike Wootten, counsel, Judiciary Committee.

OPENING STATEMENT OF HON. ORRIN G. HATCH, A U.S. SENATOR FROM THE STATE OF UTAH, CHAIRMAN, SUBCOMMITTEE ON THE CONSTITUTION

Senator HATCH. We are happy to call this subcommittee to order.

The framers of the Constitution in the 1787 Convention and the authors of the Bill of Rights in the First Congress did not include within our Nation's founding document any declarations with respect to an official language. In the absence of a specific delegation of Federal authority, the power to dictate policies regarding language was reserved to the States, or to the people under the 10th amendment.

Leaving the question of official language policies to the States was most likely not an oversight by the framers of the Constitution. Colonial America was a land characterized by diverse immigrant populations. Its people were well-acquainted with the potential hardships of a community with different languages.

For instance, Benjamin Franklin, in a 1755 publication, was bothered by the influx of German-speaking immigrants into his beloved Pennsylvania.

The framers were well acquainted with the difficulty of assimilating non-English-speaking peoples into the American melting pot. After these immigrant Americans had sacrificed together to win independence, however, the framers had a hardy respect for diversity.

Indeed, Franklin, deleted his anti-German sentiments from later publications of his observations. Franklin and the other framers commended many public policy questions, including matters relating to languages, to resolution by State and local authorities.

The States have exercised their authority with respect to language. Five States have expressly designated English as the official tongue for all State government business. As recently as 1981, the Governor of Virginia signed a law making English the "official language" of the Commonwealth and specifying that "school boards have no obligation to teach the standard curriculum in a language other than English."

Eleven States require all public education, except foreign language instruction, to take place in English. Ten States, on the other hand, require bilingual public education in areas where substantial numbers of students have a mother tongue other than English. In conformity with the vision of the framers, States have adapted their policies with respect to language to their own particular needs.

The year 1968 marked the passage of the first Federal law enunciating a policy for language instruction. The Bilingual Education Act offered financial assistance for programs meeting the "special educational needs" of non-English-speaking students. In 1968, the act did not declare whether meeting "special needs" meant helping students make a quick transition to English proficiency, or teaching students entirely in their own mother tongue. In 1974, however, the act was amended to strengthen the latter bicultural tendency of the program.

In 1974, the Supreme Court made bilingual education a civil rights issue. In the case of *Lau* v. *Nichols*, the Court ruled that failure to provide education for Chinese students in their native tongue constituted a violation of the 1964 Civil Rights Act prohibition against discrimination based on national origin. Thus, any school district receiving Federal aid was obliged to "take affirmative steps to rectify the language deficiency in order to open its instructional program to these students."

Although the Supreme Court did not take a position on whether bilingual education was to be a means to achieve English proficiency or an end in itself, the Department of Health, Education and Welfare at that time instituted regulations favoring the broader interpretation of bilingual education. Rather than learn English, many non-English-speaking students continued their education in their native tongues. In August 1980, the Department of Education proposed to replace these earlier *Lau* remedies with even more detailed and stringent rules. Wherever 25 or more students in 2 consecutive grades had limited English proficiency, these regulations would have required all substantive academic courses to be offered in the students' native languages.

The nationwide cost of compliance with these procedures was estimated to be as high as $3 billion over 5 years. Incoming Education Secretary T.H. Bell withdrew these proposed rules as "harsh, inflexible, burdensome, unworkable, and incredibly costly."

In 1975, Congress ventured again into language policymaking when it amended the Voting Rights Act to require bilingual ballots where there is a considerable number of citizens who do not speak English. These ballots are currently required in at least 30 States.

This brings us to today's hearing, the first in the history of our Republic on the subject of designating an official language by constitutional amendment. At the outset of this hearing, I would like to make an observation about the gravity of considering amendments to the Constitution. The Constitution provides a framework within which each succeeding generation may resolve the social controversies unique to that era. It is not the vehicle to make the adjustments in legal policy necessitated by changing circumstances. Attempting to inculcate the mores and perspectives of any particular time and place in the Constitution will inhibit the document's usefulness for resolving problems to arise in times and places we cannot now foresee.

Regardless of the merit of current bilingualism policy, a constitutional response to these problems of recent origin may overlook the fundamental character of our Constitution and create more problems than it would resolve.

For instance, the amendment before the subcommittee today raises the following immediate questions in my mind:

Would this language reverse the *Meyer* case?

In the absence of any State action language, could this amendment empower Congress to outlaw private utilization of any particular language?

Would this amendment allow exceptions where public health or safety might be endangered by limiting public declarations to a single language?

Would this amendment allow public school teachers to use different languages for the purpose of teaching English to non-English-speaking students? If so, what legal tests would differentiate this form of bilingual education from bilingual education designed to preserve the native tongue?

What effect would this amendment have on the admission of additional States to the Union, particularly if those new States are not predominantly English speaking?

Other questions will undoubtedly arise as we examine this amendment. It is nonetheless important that we give adequate consideration to these issues. This subcommittee is dedicated to the examination of the full implications of this and other constitutional amendment proposals, and I welcome the opportunity to explore this amendment with today's witnesses.

At this point, I will place my prepared statement along with a statement of Senator Denton in the record. Also, the text of S.J. Res. 167.

[Material submitted for the record follows:]

PREPARED STATEMENT OF SENATOR ORRIN G. HATCH

The Framers of the Constitution in the 1787 Convention and the authors of the Bill of Rights in the First Congress did not include within our nation's founding document any declarations with respect to an official language. In the absence of a specific delegation of federal authority, the power to dictate policies regarding language was "reserved to the states . . . or to the people."(10th Amendment).

Leaving the question of official language policies to the states was most likely not a oversight by the Framers. Colonial America was a land characterized by diverse immigrant populations. Its people were well acquainted with the potential hardships of a community with different languages. For instance, Benjamin Franklin, in a 1755 publication, was bothered by the influx of German-speaking immigrants into his beloved Pennsylvania:

> Why should the Palatine (German) boors be suffered . . . to establish their language and manners to the exclusion of ours? Why should Pennsylvania, founded by English, become a colony of aliens, who will shortly be so numerous as to germanize us instead of our anglifying them?(OBSERVATIONS ON THE INCREASE OF MANKIND.)

The Framers were well acquainted with the difficulty of assimilating non-English-speaking peoples into the American melting pot. After these immigrant Americans had sacrificed together to win independence, however, the Framers had a hardy respect for diversity. Indeed Franklin deleted his anti-German sentiments from later publications of his OBSERVATIONS. Franklin and the other Framers commended many public policy questions, including matters relating to languages, to resolution by state and local authorities.

The states have exercised their authority with respect to language. Five states have expressly designated English as the official tongue for all state government business. As recently as 1981 the Governor of Virginia signed a law making English the "official language" of the commonwealth and specifying that "school boards have no obligation to teach the standard curriculum in a language other than English." Eleven states require all public education, except foreign language instruction, to take place in English. Ten states, on the other hand, require bilingual public education in areas where substantial numbers of students have a mother tongue other than English. In conformity with the vision of the Framers, states have adapted their policies with respect to language to their own particular needs.

Early in the history of the Republic, Congress respected the prerogatives of the states and refrained from asserting language policies. Nevertheless Congress was required to decide in the 1790s, 1840s, and again in 1862 whether to publish government publications in German. It declined to do so.

As westward expansion opened the great frontier, immigrants flowed into America from Europe and Asia in enormous numbers. This raised again the question of

English's importance as an aspect of assimilating immigrants into the American culture. Theodore Roosevelt made the case for the affirmative:

> A man who speaks only German or Swedish may nevertheless be a most useful American citizen; but it is impossible for him to derive the full benefit he should from American citizenship. . . I want to make as strong a plea as I possibly can against hyphenated Americans of every kind, whether German-Americans, Irish-Americans, or native Americans. The word American is broad enough to cover us all.

President Woodrow Wilson also discouraged hypenated Americanism.

During this era, the states were quite active in providing incentives for immigrants to learn English. This enthusiasm of the states reached its high water mark just prior to the Supreme Court decision of *Meyer v. Nebraska*. (262 U.S. 390 (1922).) The *Meyer* case challenged a Nebraska statute barring the use of any foreign language in elementary schools. In the wake of World War I, Ohio had a similar statute prohibiting the teaching of German. Nebraska argued that its statute was necessary to "insure that the English language shall be the mother tongue . . . of the children . . . who will eventually become the citizens of this country." (Id. at 394.) The Supreme Court rejected this argument and struck down the statute as violative of the "right of parents . . . to instruct their children" under the liberty clause of the Fourteenth Amendment. (Id. at 400.) With the *Meyer* case defining the limits of state authority and the Tenth Amendment defining the limits of federal authority, little significant change in language policies occurred until 1968.

1968 marked the passage of the first federal law enunciating a policy for language instruction. The Bilingual Education Act offered financial assistance for programs meeting the "special educational needs" of non-English-speaking students. In 1968, the Act did not declare whether meeting "special needs" meant helping students make a quick transition to English proficiency or teaching students entirely in their mother tongue. In 1974, however, the Act was amended to strengthen the latter bicultural tendency of the program.

In 1974, the Supreme Court made bilingual education a civil rights issue. In the case of *Lau v. Nichols*, the Court ruled that failure to provide eduction for Chinese students in their native tongue constituted a violation of the 1964 Civil Rights Act prohibition against discrimination based on "national origin." (414 U.S. 563 (1974).) Thus, any school district receiving federal aid was obliged to "take affirmative steps to rectify the language deficiency in order to open its instructional program to these students." (Id. at 568.)

Although the Supreme Court did not take a position on whether bilingual education was to be a means to achieve English proficiency or an end in itself, the Department of Health, Education and Welfare instituted regulations favoring the broader interpretation of bilingual education.

RATHER THAN LEARN ENGLISH, MANY NON-ENGLISH-SPEAKING STUDENTS CONTINUED THEIR EDUCATION IN THEIR NATIVE TONGUES. IN AUGUST OF 1980, THE DEPARTMENT OF EDUCATION PROPOSED TO REPLACE THESE EARLIER LAU REMEDIES WITH EVENMORE DETAILED AND STRINGENT RULES. WHEREVER TWENTY FIVE OR MORE STUDENTS IN TWO CONSECUTIVE GRADES HAD LIMITED ENGLISH PROFICIENCY, THESE REGULATIONS WOULD HAVE REQUIRED ALL SUBSTANTIVE ACADEMIC COURSES TO BE OFFERED IN THE STUDENTS' NATIVE LANGUAGES. THE NATIONWIDE COST OF COMPLIANCE WITH THESE PROCEDURES WAS ESTIMATED TO BE AS HIGH AS $3 BILLION OVER FIVE YEARS. INCOMING EDUCATION SECRETARY T.H. BELL WITHDREW THESE PROPOSED RULES AS "HARSH, INFLEXIBLE, BURDENSOME, UNWORKABLE, AND INCREDIBLY COSTLY." PRESIDENT REAGAN EXPRESSED A FEW WEEKS LATER SOME OF THE REASONING BEHIND THIS ACTION:

> IT IS ABSOLUTELY WRONG AND AGAINST AMERICAN CONCEPTS TO HAVE A BILINGUAL EDUCATION PROGRAM THAT IS NOW OPENLY, ADMITTEDLY DEDICATED TO PRESERVING THEIR NATIVE LANGUAGE AND NEVER GETTING THEM ADEQUATE IN ENGLISH SO THEY CAN GET OUT INTO THE JOB MARKET AND PARTICIPATE.

IN 1975, CONGRESS VENTURED AGAIN INTO LANGUAGE POLICYMAKING WHEN IT AMENDED THE VOTING RIGHTS ACT TO REQUIRE BILINGUAL BALLOTS WHERE THERE IS A CONSIDERABLE NUMBER OF CITIZENS WHO DO NOT SPEAK ENGLISH. THESE BALLOTS ARE CURRENTLY REQUIRED IN AT LEAST 30 STATES.

RECENTLY THERE HAS BEEN SOME BACKLASH AGAINST THE NOTION THAT BILINGUALISM OUGHT TO BE A MATTER OF CIVIL RIGHTS POLICY DICTATED BY FEDERAL OFFICIALS AND COURTS. IN MAIMI, A REFERENDUM REPEALED A 1973 RESOLUTION THAT HAD MADE THE COUNTY OFFICIALLY BILINGUAL. IN SAN FRANCISCO, A REFERENDUM ADVISED THAT BILINGUAL BALLOTS SHOULD BE ABOLISHED. A SIMILAR REFERENDUM HAS QUALIFIED FOR THE 1984 CALIFORNIA STATE BALLOT.

THIS BRINGS US TO TODAY'S HEARING -- THE FIRST IN THE HISTORY OF OUR REPUBLIC -- ON THE SUBJECT OF DESIGNATING BY CONSTITUTIONAL AMENDMENT AN OFFICIAL LANGUAGE. AT THE OUTSET OF THIS HEARING, I WOULD LIKE TO MAKE AN OBSERVATION ABOUT THE GRAVITY OF CONSIDERING AMENDMENTS TO THE CONSTITUTION. THE CONSTITUTION PROVIDES A FRAMEWORK WITHIN WHICH EACH SUCCEEDING GENERATION MAY RESOLVE THE SOCIAL CONTROVERSIES UNIQUE TO THAT ERA. IT IS NOT THE VEHICLE TO MAKE THE ADJUSTMENTS IN LEGAL POLICY NECESSITATED BY CHANGING CIRCUMSTANCES. ATTEMPTING TO INCULCATE THE MORES AND PERSPECTIVES OF ANY PARTICULAR TIME AND PLACE IN THE CONSTITUTION WILL INHIBIT THE DOCUMENT'S USEFULNESS FOR RESOLVING PROBLEMS TO ARISE IN TIMES AND PLACES WE CANNOT NOW FORESEE.

REGARDLESS OF THE MERIT OF CURRENT BILINGUALISM POLICY, A CONSTITUTIONAL RESPONSE TO THESE PROBLEMS OF RECENT ORIGIN MAY OVERLOOK THE FUNDAMENTAL CHARACTER OF OUR CONSTITUTION AND CREATE MORE PROBLEMS THAN IT WOULD RESOLVE. FOR INSTANCE, THE AMENDMENT BEFORE THE SUBCOMMITTEE TODAY RAISES THE FOLLOWING IMMEDIATE QUESTIONS IN MY MIND: WOULD THIS LANGUAGE REVERSE THE MEYER CASE? IN THE ABSENCE OF ANY STATE ACTION LANGUAGE, COULD THIS AMENDMENT EMPOWER CONGRESS TO OUTLAW PRIVATE UTILIZATION OF ANY PARTICULAR LANGUAGE? WOULD THIS AMENDMENT ALLOW EXCEPTIONS WHERE PUBLIC HEALTH OR SAFETY MIGHT BE ENDANGERED BY LIMITING PUBLIC DECLARATIONS

TO A SINGLE LANGUAGE? WOULD THIS AMENDMENT ALLOW PUBLIC SCHOOL TEACHERS TO USE DIFFERENT LANGUAGES FOR THE PURPOSE OF TEACHING ENGLISH TO NON-ENGLISH-SPEAKING STUDENTS? IF SO, WHAT LEGAL TESTS WOULD DIFFERENTIATE THIS FORM OF BILINGUAL EDUCATION FROM BILINGUAL EDUCATION DESIGNED TO PRESERVE THE NATIVE TONGUE? WHAT EFFECT WOULD THIS AMENDMENT HAVE ON THE ADMISSION OF ADDITIONAL STATES TO THE UNION, PARTICULARLY IF THOSE NEW STATES ARE NOT PREDOMINANTLY ENGLISH-SPEAKING? OTHER QUESTIONS WILL UNDOUBTEDLY ARISE AS WE EXAMINE THIS AMENDMENT. IT IS NONETHELESS IMPORTANT THAT WE GIVE ADEQUATE CONSIDERATION TO THESE ISSUES. THIS SUBCOMMITTEE IS DEDICATED TO THE EXAMINATION OF THE FULL IMPLICATIONS OF THIS AND OTHER CONSTITUTIONAL AMENDMENT PROPOSALS. I WELCOME THE OPPORTUNITY TO EXPLORE THIS AMENDMENT WITH TODAY'S WITNESSES.

Prepared Statement of Hon. Jeremiah Denton, a U.S. Senator From the State of Alabama.

Mr. Chairman

There is a growing trend in our country, in both public and private policy, to emphasize bilingualism. As a result, we are witnessing a steady erosion in the use of the English language. To reverse the erosion, Senator Huddleston has introduced S.J.Res. 167, which would amend the Constitution to make English the official language of the United States. I commend Senator Huddleston for introducing that much needed resolution, which I have cosponsored, and I commend you, Mr. Chairman, for holding today's hearing.

Most Americans incorrectly assume that English is the official language of the United States. Although it is the normal language for public discourse and the marketplace, the Federal government spends in excess of $130 million each year subsidizing the education of non-English speaking immigrant school children. Originally, those programs were undertaken with the intention of softening the pain of assimilating immigrants into our culture by beginning educational instruction in their native tongue. Unfortunately, however, bilingual education is no longer a transitional means of teaching immigrant children. Rather, it has become a practice that promotes the preservation of separate cultural identities while, at the same time, alienating the immigrant from the mainstream of American society.

The Constitutional amendment proposed by Senator Huddleston has been considered by the Senate before. A similar resolution was attached as an amendment to the Immigration Reform Act of 1982, which was passed by the Senate with 78 affirmative votes. Still, English is not recognized or treated by the U.S. Government as the country's official language. As a result, the newest immigrants to the United States, unlike their predecessors, are not learning English. For example, over 10 million Americans can speak only Spanish and, if current trends continue, by the year 2030 more than half of California's population will be Spanish-speaking. Similar problems are developing with other, smaller, immigrant groups. We are witnessing a dangerous development in the cultural history of our nation: The Federal government is endorsing and supporting the development of a multilingual United States.

Federal and state government agencies spend $138 billion a year on bilingual education. They produce well over 2,000 publications in 32 different languages each year. The policies that make those practices possible are the direct result of special interest groups that attempt to maintain strict ethnic identities through a de-emphasis of English.

The erosion of English as the primary language of the United States can be seen in many cities throughout the country. In some major metropolitan areas, English has become a second language. Some cities even publish election ballots in several languages so as to accomodate citizens who cannot read English. The promoters of such policies ignore the facts that non-English speaking persons theoretically could not have passed the Naturalization Examination, which requires English compentency, and that it is difficult for non-English speaking voters to examine the qualifications of candidates since campaigns and most media coverage use the English language.

The growing problem of illiteracy in English is shown by every Census. In 1970, only 8 million Americans spoke a language other than English at home, but by 1980 that figure had increased to 20 million. The current policy of providing venacular ballots for immigrant Americans provides no incentive to them to learn

English. In fact, by condoning government sponsored bilingualism, the U.S. is discouraging foreign-born Americans from learning English.

Command of the English language is indisputably a quality that one must possess to become successful in our country. American business is conducted almost exclusively in English. Non-English speaking tradesmen operate at a severe disadvantage to their English-speaking counterparts. "You'd have to be a damned fool not to realize that English is the official language," noted Hispanic leader Ralph Hurtado. "If you don't speak English, you're a dishwasher."

The bilingual policy of the government is discriminatory in nature. There is no room for upward mobility in a society if one does not speak the language. Were English to be made the official language of the United States, however, all immigrants, all our citizens, would be stimulated to learn English.

The Department of Education has suggested repeatedly that money now appropriated for bilingual education would be better spent teaching children to speak, read, and write in English. The Department believes that efforts to assimilate immigrant children into American society by teaching them in their native tongues outweighs any attempts to stress the incontrovertable importance of mastering English. Special interest groups use public services such as bilingual education to heighten the consciousness of belonging to another heritage rather than preparing their children for full and successful participation in American society.

Many civil liberty groups are concerned that an amendment to make English the official language of the United States would discriminate against non-English speaking peoples. Senator

Huddleston has provided assurances, however, that Americans will be free to use the languages of their choice, although the advancement of those languages will not be subsidized by the government.

The English Language Amendment would not prohibit or discourage the use of other languages and the enjoyment of other cultures in private contexts, such as in homes, churches, communities, private organizations, commerce, and private schools, nor would it prohibit the teaching of foreign languages in the nation's public schools and colleges. Moreover, the Amendment would not prevent the use of a second language for public convenience and safety in limited circumstances.

Passage of the Amendment would help to preserve the basic internal unity that is required for a stable and growing nation. Most important, it would give national attention to the problem of a language barrier that plagues millions of Americans each year. It would help save local and state governments the millions of dollars that they now spend on bilingual education that duplicates other programs, and allow them to channel those funds into more deserving educational efforts. Since voting by citizens is the method of choosing elected officials at all levels and is the essential first step our process of democratic government, the amendment would prohibit the printing of ballots in any language other than English.

Adoption of the English Language Amendment would discourage discrimination and exploitation by making it clear to immigrant parents and children that learning English is indispensable for participation in America's society and economy. It would assist in speeding them into the mainstream of our country's life as rapidly as possible.

America is a nation of immigrants. Our greatness has stemmed from our ability to assimilate vast numbers of people from many different cultures. We have had a common language on which to build our success. It is essential that the Senate pass the English Language Amendment so that the United States will remain "One Nation. . . . indivisible."

I commend Senator Huddleston for his leadership in introducing the resolution, and I commend you, Mr. Chairman, for drawing attention to a very important issue by conducting today's hearing.

Thank you, Mr. Chairman.

II

98TH CONGRESS
1ST SESSION

S. J. RES. 167

Proposing an amendment to the Constitution of the United States with respect to the English language.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21 (legislative day, SEPTEMBER 19), 1983

Mr. HUDDLESTON (for himself, Mr. BURDICK, Mr. SYMMS, Mr. RANDOLPH, and Mr. ZORINSKY) introduced the following joint resolution; which was read twice and referred to the Committee on the Judiciary

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JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States with respect to the English language.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. The English language shall be the official language of the United States.

"SECTION 2. The Congress shall have the power to enforce this article by appropriate legislation.".

○

Senator **Hatch**. We are very pleased to have a number of Senators, a former Senator, and a Member of Congress, to testify here today.

If we could, we will call on the Honorable Walter D. Huddleston, who is a U.S. Senator from Kentucky, first, and then we will introduce each of these Senators in turn.

Senator Huddleston, I am happy to have you here and look forward to hearing your testimony.

STATEMENT OF HON. WALTER D. HUDDLESTON, A U.S. SENATOR FROM THE STATE OF KENTUCKY

Senator **Huddleston**. Thank you very much, Mr. Chairman, and I commend the chairman for the outstanding statement he has just made that points out, of course, that we do not approach an amendment to the Constitution lightly.

But I thank you and the members of this subcommittee for holding this hearing on my proposed constitutional amendment to make English the official language of the United States.

This amendment addresses something so fundamental to our sense of identity as Americans that some who are in full agreement with the objectives may nevertheless question the necessity for such an amendment. So widely held is the assumption that English is already our national language, that the notion of stating this in the Constitution may seem like restating the obvious. However, I can assure you that this is not the case, and that the need for a constitutional amendment grows stronger every day.

For over 200 years, the United States has enjoyed the blessings of one primary language that is spoken and understood by most of its citizens. The previously unquestioned acceptance of this language by immigrants from every linguistic and cultural background has enabled us to come together and prosper as one people. It has allowed us to discuss our differences, to argue about problems, and to compromise on solutions. Moreoever, it has allowed us to develop a stable and cohesive society that is the envy of many fractured ones, without imposing any strict standards of homogeneity.

As a Nation of immigrants, our great strength has been drawn from our ability to assimilate vast numbers of people from many different cultures and ethnic groups into a nation of people that can work together with cooperation and understanding. This process is commonly referred to as the melting pot. In the past, it has been credited with helping to make the United States the great Nation that it is today, and I agree with that.

However, in recent years, we have experienced a growing resistance to the acceptance of our historic language. Increasingly, we have been subjected to an antagonistic questioning of the melting pot philosophy that has traditionally helped speed newcomers into the American mainstream.

Initially, the demands to make things easier for the newcomers seemed modest enough and we were willing to make some allowances. For example, the use of a child's home language in the school setting was encouraged, in a well-intentioned attempt to soften the pain of adjustment from the home to the English-speaking society that school represents.

However, the demands have sharply escalated, and so has the tone in which they are presented. Bilingual education has gradually lost its role as a transitional way of teaching English, and has now taken on a strong bicultural dimension. The unfortunate result is that thousands of immigrant and nonimmigrant children are kept in a state of prolonged confusion, not fully understanding what is expected of them. They and their parents are given the false hope that their native language can be fully maintained in this country and that the mastery of English is not so important.

This change in attitude was aptly described by Theodore H. White in his book, "America in Search of Itself," wherein he stated:

> Some Hispanics have, however, made a demand never voiced by immigrants before: that the United States in effect officially recognize itself as a bicultural, bilingual nation. They demand that the United States become a bilingual country, with all children entitled to be taught in the language of their heritage, at public expense.

Mr. White goes on to conclude that:

> Bilingualism is an awkward word, but it has torn apart communities from Canada to Brittany, from Belgium to India. It expresses not a sense of tolerance, but a demand for divisions.

This misdirected public policy of promoting bilingualism has been created primarily by the Federal Government at the insistence of special interest groups, and it continues today because elected officials do not want to run the risk of taking a position that may offend these groups.

Over the last few years, the Federal Government has spent approximately $1 billion on the Bilingual Education Program, and this year alone, it cost $139 million. What we have bought with this money is a program that strives to keep separate cultural identities rather than a program that strives to teach English. It is a program which ignores the basic fact that in order to learn another language, the student must speak, read and use that language on a regular basis.

The Bilingual Education Program's failure to teach children how to speak English in the shortest time has been documented by a study done at the U.S. Department of Education and by a recent report of the Twentieth Century Fund task force on Federal elementary and secondary education policy, which stated;

> The Task Force recommends that Federal funds now going to the bilingual program be used to teach non-English-speaking children how to speak, read, and write English.

Even though the Bilingual Education Program has received failing marks by many reputable educators, it still survives because it is a political issue rather than an educational issue. Evidence of this can be found in the decision by the House Committee on Education and Labor to report out a bill which reauthorizes the Bilingual Program. This was done in the face of strong opposition that pointed out many of the weaknesses of the program, including the impracticality of finding qualified bilingual teachers for schools that have students speaking as many as 130 different languages and dialects.

I have a list of most of the languages that are being taught in the Bilingual Program which I will submit for the record, Mr. Chairman.

Senator HATCH. Without objection, we will put them in the record at this point.

[Material submitted for the record follows:]

June 6, 1984

MEMO

TO: RL
FM: KP

SUBJECT: List of languages currently taught in the Bilingual Education Program.

Contact person: Angela Evans
Education Specialist, CRS
Phone: 287-5860

Information supplied is as reported to the Office of Bilingual Education by the grantees. (No differentiation is made between dialects and languages)

ACONA
AFGHAN
AFRIKAANS
APACHE
APACHE-JICARILLA
ARABIC
ARAPAHO
ARIKARA
ARMENIAN
ASYRIAN
ATHBASHI
BANNIK
BLACKFEET
CAMBODIAN
CANTONESE
CAROLINIAN
CHAMORRO
CHINESE
CHIPPEWA
CHOCTAW
CREE
CREOLE OF THE ANTILLES
CROW
DASHTO
DUTCH
EGYPTIAN
ENGLISH/CREOLE
ESKIMO
ESTOPIAN
FARSI
FINNISH
FRENCH
FUKIEN
GUMAR
GREEK
GROSVENTRE
GUJARATI
GWITCHIN
HAITIAN/CREOLE
HAITIAN/PATAMENTO
HAVOSUPIA
HEBREW
HINDI
HMONG
HOWLILEA
ILOKANO
INDIAN
INDO-CHINESE LANGUAGES
INDONESIAN LANGUAGES
INGALIK
INUPIAJ
ITALIAN
JANPANESE
KANJOB
KANJOBA/MAYAN
KERES
KHMER
KARAKAPOO
KOREAN
KOSYACAN
KOYUKAN
LAO
MACEDONIAN
MANDAN

MANDAN
MENOMINEE
MESCALERO/APACHE
MESQUAKIE
MITCHIF
MOHOWLE
NATIKESE
NAVAHO
NIGERIAN
OJJBWE
ONEIDA
PAKISTANI
PAPTAGO
PASSAMAQUODY
PHILLIPINO
PIMA
PINGELAP
POLISH
PORTUGESE
PULAVAN
PUNJABI
PUSHTO
RUMANIAN
RUSSIAN
SALISH
SAMOYAN
SATAWALESE
SENECA
SERBO/CROATIAN
SHOSHONE
SIOUX
SPANISH
SWEDISH
TRWA
TAGOLOG
TAIWANESE
TEWA
THIA
THEUNG
TIGRINYA
TONGAN
TRUKESE
TURKISH
UKRANIAN
ULITHIAN
UPPER KUSHCKWAI
URDU
VIETNAMESE
WOLENIAN
YADESE
YOQUI
YIDDISH
YUPIK
ZUNI

Senator HUDDLESTON. In the area of voting rights, we have also formulated a national policy that encourages voting citizens not to learn to speak or read English. The Voting Rights Act, which was reauthorized in 1982, requires bilingual ballots in 30 States. In essence, we have gone far beyond providing a necessary service on a temporary basis; we are now engaged in actively encouraging the use of bilingual ballots, even though in many cases they may not be needed at all. The wisdom of this policy is clearly lacking when you consider that the vast bulk of political debate, whether it is in the printed press or the electronic media, is conducted in English. Further, it becomes even more illogical when you consider that in all 50 States, U.S. citizenship is required to vote, and proficiency in English is required to become a naturalized citizen.

By failing to provide a positive incentive for voting citizens to learn English, we are denying them full participation in the political process. Instead, we are making them dependent upon a few interpreters or go-betweens for information as to how they should vote. Although this process helps to preserve minority voting blocks, it seriously undercuts the democratic concept that every voting individual should be as fully informed as possible about the issues and the candidates.

There are other, less prominent provisions of Federal law that now require the use of foreign languages. For example, the Director of the Administrative Office of the U.S. Courts is required to establish a program for the use of foreign language interpreters in Federal, civil, and criminal proceedings for parties whose primary language is other than English. The use of foreign language personnel is required in connection with federally funded migrant and community health centers, and the use of foreign language personnel is mandated in the alcohol abuse and treatment programs.

Although this kind of assistance is helpful, the fact that it must be legislated strongly indicates that we are failing in our efforts to teach immigrants, and many of our native born, to speak, read and write English.

The Federal laws requiring the use of interpreters and foreign languages are merely tips of the iceberg. I recently sent a request to all of the State Governors and the major Federal agencies, asking for information regarding non-English forms and publications that their offices produce which are intended for use in this country. This informal inquiry resulted in responses from 24 States and 21 Federal agencies, and revealed that over 2,000 documents and forms, in as many as 32 different foreign languages, are being printed and distributed on a wide scale throughout the United States. These publications cover a broad spectrum, and range from White House press releases to factsheets on power mowers. Using estimates based on Canada's bilingual program, I conservatively estimate that the translation costs alone are probably running over $1.5 million for these materials.

However, we still do not have a complete picture of the use of official and non-English publications. Many of the States have only sent a few samples of what they produce, and I am told that if copies of all bilingual educational materials were sent, we could fill a large room.

While distribution of these non-English materials may be seen as providing a useful Government service, it can also be seen as reducing the incentive to learn English and is clearly demonstrative of a growing nationwide problem.

At the non-Government level, there is a great deal of emphasis being placed on the use of non-English languages. In some major metropolitan areas, English is the second language. Minorities, who speak only English, are being told that they must learn a foreign language in order to be eligible for a job in some parts of this country. And in many stores, non-English languages are the only ones used to conduct business.

Statistics show a disconcerting trend away from the common use of English. In 1975, the Bureau of Census reported that about 8 million people in this country used a language other than English in their households. When the census was conducted in 1980, the number of people who spoke a language other than English at home was found to be over 22 million. Although these numbers are subject to many interpretations, to me they indicate that the melting pot is not working as it once did.

This assumption is confirmed by a private market research survey which shows that 43 percent of the U.S. Hispanic population speaks only Spanish, or just enough English to "get by."

If this situation were static, there would not be cause for concern. However, there is a new philosophy taking hold, and it is gaining more and more acceptance. A recent Time magazine article stated in regard to this new attitude that:

> A new bilingualism and biculturalism is being promulgated that would deliberately fragment the nation into separate, unassimilated groups. The new metaphor is not the melting pot, but the salad bowl, with each element distinct. The biculturalists seek to use public services, particularly schools, not to Americanize the young, but to heighten their consciousness of belonging to another heritage.

The United States is presently at a crucial juncture. We can either continue down the same path we have walked for the last 200 years, using the melting philosophy to forge a strong and united nation, or we can take the new path, that leads in the direction of another Tower of Babel.

Mr. Chairman, there are many nations in the world today that would give a great deal to have the kind of internal social and political stability that a single primary language has afforded us. For us to consciously make the decision to throw away this stabilizing force would be seen as foolish in countries that have paid a high price for not having a universally accepted language.

We have to look no further than the nation which is closest to us geographically to see the serious problems that language can cause. The Canadians have had a long running experience with bilingualism and biculturalism, and it is an experience that still generates divisiveness and threatens to shatter the nation's unity.

Belgium is another nation that has suffered severe internal dissent, much of which has been caused by language differences. In the last 39 years, the political coalitions that are necessary to govern Belgium have been broken apart over 30 times by the fights between the French-speaking Walloons and the Dutch-speaking Flemish. This political, squabbling has had serious social, political, and economic consequences for Belgium, and it is not the kind of situation to which any nation would voluntarily subject itself.

This type of political instability has been repeated throughout history, and is still occurring in many countries today. In countless places, differences in languages have either caused or contributed significantly to political, social, and economic instability. While the absence of language differences does not guarantee that these problems will not occur, I believe that it does significantly reduce the chances that they will occur.

The constitutional amendment that I am proposing is not unusual, and in fact, many nations have one official language. According to the Library of Congress, these include, but are not limited to: Austria, Bulgaria, Denmark, France, the German Democratic Republic, the Federal Republic of Germany, Greece, Hungary, Italy, The Netherlands, Norway, Poland, Romania, and Sweden.

Within the United States, there is ample tradition and precedent to justify this approach. According to the Library of Congress, "several Federal statutes and numerous State laws do require the use of English in a variety of areas." For example, the Nationality Act requires that no person shall be naturalized as a citizen of the United States unless they demonstrate "an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language."

Another section of the United States Code specifies that a person cannot serve on a grand jury in the district court if he or she "is unable to read, write and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form" or "is unable to speak the English language."

At the State level, many States have statutes requiring the use of English in various circumstances. According to the Library of Congress, 20 States require that schools be taught in English; 13 States require jurors to speak English, and 14 States require public documents or proceedings to be in English. At the time the Library issued its report, Illinois, Nebraska, and Virginia had expressly designated English as the official State language, and since that time, Indiana and Kentucky have also passed legislation declaring English as their official language.

The U.S. Senate has spoken out very strongly in favor of establishing English as the official language. On August 13, 1982, Senator Hayakawa introduced a sense of the Congress amendment to the Immigration Reform and Control Act, declaring that "the English language is the official language of the United States." On a rollcall vote, 78 Senators voted for this amendment, and it was included in the bill. When this same bill was reported out of the Judiciary Committee in 1983, it again contained this language. The report issued by the committee was unequivocal in its support for the provision. The report stated:

> If immigration is continued at a high level, yet a substantial portion of these new persons and their descendants do not assimilate into the society, they have the potential to create in America a measure of the same social, political, and economic problems which exist in the countries from which they have chosen to depart. Furthermore, if language and cultural separatism rise above a certain level, the unity and political stability of the nation will, in time, be seriously diminished. Pluralism within a united American nation has been the single greatest strength of this coun-

try. This unity comes from a common language and a core public culture of certain shared values, beliefs, and customs which make us distinctly "Americans".

If we continue along the path we now follow, I believe that we will do irreparable damage to the unity that our common language has helped us preserve for over 200 years. Cultural pluralism is an established value in our national life, and one which we greatly cherish. Paradoxically, cultural pluralism can only continue if we retain our common meeting ground, namely, the English language. If we allow this bond to erode, we will no longer enjoy the benefits of cultural diversity, but rather, we will suffer the bitterness of ethnic confrontations and cultural separatism.

The constitutional language I am proposing is simple and straightforward; it would serve to establish a principle that would strengthen us as a nation. However, I am aware that adding to the Constitution takes us into uncharted waters, and that there will be many misleading allegations about the extent of the problem and the proposed remedy. This is one of the reasons that I have chosen to propose a constitutional amendment in order to address this issue. It will focus national attention on the problem and subject it to the type of thorough, national debate which is necessary.

During this constitutional process, all parties, sides and interests will have the opportunity to present their respective points of view. This will guarantee that the final version submitted to the States for ratification will accomplish only what is needed to be accomplished, and that basic individual rights are not violated.

Even though I believe that the constitutional language I am proposing will work, I am open to all recommendations, and I will carefully consider any proposed improvements or modifications. However, regardless of the final language, to a large extent, it is the legislative history which determines how the language will be interpreted.

Accordingly, it is my intent that the amendment I am proposing would not do a number of things.

It would not prohibit or discourage the use of foreign languages in private contexts, such as in homes, churches, communities, private organizations, commerce, and private schools. The United States is rich in ethnic cultures, and they would continue to survive as they have in the past.

Second, it would not prohibit the teaching of foreign languages in the Nation's public schools or colleges, nor will it prohibit foreign language requirements in academic institutions.

Third, it will not prevent the use of second languages for the purpose of public safety.

Fourth, it would not deny individuals their civil rights or, as some have referred to them, their linguistic and cultural rights. According to the Census Bureau, there are 387 language groups in the United States. English has always represented the great compromise among the diverse ethnic groups that make up this Nation, and the ratification of the amendment would simply maintain English as such.

On the other hand, the amendment would accomplish a number of objectives. It would establish a national consensus that a common language is necessary to preserve the basic internal unity that is required for a stable and growing nation.

It would establish English as the official language of Federal, State, and local governments throughout the United States.

Since voting by citizens is the method of choosing the representatives of these governments, and is the first step in the official process of governing, it would prevent the printing of ballots in foreign languages.

It would permit bilingual education where it could be clearly demonstrated that the primary objective and practical result is the teaching of English to students as rapidly as possible and not of cultural maintenance. It would not affect the use of total immersion in English, which is a proven method of teaching English.

It would discourage discrimination and exploitation by making it clear to immigrant parents and children that learning English is indispensible for full participation in the American society and economy, and by speeding them into the mainstream of our society and economy as rapidly as possible.

Mr. Chairman, national unity is not a subject to be taken lightly, for without it, we would lose much of the strength which sets us apart as a great nation. I believe that history has taught us that one of the vital ingredients for obtaining national unity is a commonly accepted language. This has been confirmed by our own past experience in this country, and has been proven by other countries that have been divided and weakened by their internal arguments centering around language differences.

National unity does not require that each person think and act like everybody else. However, it does require that there be some common threads that run throughout our society and hold us together. One of these threads is our common belief and support of a democratic form of government, and the right of every person to fully participate in it. Unfortunately, this right of full participation means very little if each individual does not possess the means of exercising it. This participation requires the ability to obtain information and to communicate our beliefs and concerns to others. Undoubtedly, this process is greatly hindered without the existence of a commonly accepted and used language.

In essence, a policy of bilingualism segregates minorities from the mainstream of our politics, economy and society. They are being pushed aside into their own communities and denied the tools with which to break out. I have always opposed segregation of any kind, and by not assuring that every person in this country can speak and understand English, we are still practicing segregation. It was wrong when we segregated blacks because of color, and it is just as wrong when we create a system which segregates any group of people by language.

As Americans, we are a unique people, and one of the things that makes us uniquely American is our common language—English. My proposed constitutional amendment would assure that everyone in this country can fully take part in the American dream, and that future generations also will have this privilege.

I thank you, Mr. Chairman.

[Material submitted for the record follows:]

By Mr. SYMMS (for himself, Mr. BURDICK, Mr. SYMMS, Mr. RANDOLPH, and Mr. ZORINSKY):

S.J. Res. 167. Joint resolution proposing an amendment to the Constitution of the United States with respect to the English language; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT TO MAKE ENGLISH THE OFFICIAL LANGUAGE OF THE UNITED STATES

Mr. HUDDLESTON. Mr. President, the remarks I am about to make will be readily understood by my distinguished colleagues in the Congress. They will be understood by my constituents in Kentucky. They will be understood by the journalists in the press gallery, and by most of their readers across the country.

No simultaneous interpreters will be needed for those in this Chamber, and no translators will be needed for most of those who will be reading these words in the CONGRESSIONAL RECORD.

In order to guarantee that this current state of affairs endures, as it has for over 200 years, I am introducing today a constitutional amendment to make English the official language of the United States.

The amendment addresses something so basic, so very fundamental to our sense of identity as Americans, that some, who are in full agreement with the objectives of this amendment, will nevertheless question the necessity for it. So widely held is the assumption that English already is our national language, that the notion of stating this in our national charter may seem like restating the obvious. However, I can assure my colleagues that this is not the case and that the need for a constitutional amendment grows stronger every day.

Almost alone among the world's very large and populous nations, the United States enjoys the blessings of one primary language, spoken and understood by most of its citizens. The previously unquestioned acceptance of this language by immigrants from every linguistic and cultural background has enabled us to come together as one people. It has allowed us to discuss our differences, to argue about our problems and to compromise on solutions. It has allowed us to develop a stable and cohesive society that is the envy of many fractured ones, without imposing any strict standards of homogeneity, or even bothering to designate the language, which is ours by custom, as the Nation's official one.

As a nation of immigrants, our great strength has been drawn from our ability to assimilate vast numbers of people from many different cultures and ethnic groups into a nation of people that can work together with cooperation and understanding. This process was often referred to as the melting pot and in the past it has been seen as an almost magical concept that helped to make the United States the greatest nation on Earth.

But for the last 15 years, we have experienced a growing resistance to the acceptance of our historic language, an antagonistic questioning of the melting pot philosophy that has traditionally helped speed newcomers into the American mainstream.

Initially, the demands to make things easier for the newcomers seemed modest enough; and a generous people, appreciative of cultural diversity, was willing to make some allowances. For example, the English language requirements for naturalization were removed for elderly immigrants living here for 20 years who were still unable to meet them; and the use of a child's home language in the school setting was encouraged, in a well-intentioned attempt to soften the pain of adjustment from the home to the English-speaking society that school represents.

However, the demands have sharply escalated, and so has the tone in which they are presented. Bilingual education has gradually lost its role as a transitional way of teaching English, and now mandates a bicultural component. This mandate has been primarily shaped and promoted by the Federal Government. The unfortunate result is that thousands of immigrant and nonimmigrant children are languishing in near-permanent bilingual/bicultural programs, kept in a state of prolonged confusion suspended between two worlds, and not understanding what is expected of them. They and their parents are given false hopes that their cultural traditions can be fully maintained in this country, and that the mastery of English is not so important, after all.

This change in attitude was aptly described by Theordore H. White in his book "America in Search of Itself" wherein he stated:

> Some Hispanics have, however, made a demand never voiced by immigrants before: that the United States, in effect, officially recognize itself as a bicultural, bilingual nation . . . . [They] demand that the United States become a bilingual country, with all children entitled to be taught in the language of their heritage, at public expense. No better hymn to the American tradition has ever been written than "The Education of Hyman Kaplan," by Leo Rosten, which describes with tears and laughter the efforts of the earlier immigrants . . . to learn the language of the country in which they wished to live. In New York today, forty years later, Hispanic entitlement has created a college, Hostos Community College—supported by public taxes—which is officially bilingual, half its students receive instruc

tion primarily in Spanish, as they strive to escape from the subculture of the Spanish ghetto. Bilingualism is an awkward word—but it has torn apart communities from Canada to Brittany, from Belgium to India. It expresses not a sense of tolerance but a demand for divisions.

This misdirected public policy of bilingualism has been created primarily by the Federal Government, at the insistence of special interest groups, and it continues today because elected officials do no want to run the risk of taking a position that could, in some way, offend these groups. An example of how far this special interest influence reaches can be seen by President Reagan's reversal on the issue. At the beginning of his administration he attempted to kill the bilingual program, now he is embracing the concept.

Over the last few years the Federal Government has spent approximately $1 billion on the bilingual education program and this year alone it cost $139 million. What we have bought with this money is a program that strives to keep separate cultural identities rather than a program that strives to teach English. It is a program which ignores the basic fact that in order to learn another language the student must talk, read and use that language on a regular basis.

The failure of bilingual education programs to teach children how to speak English in the shortest time has been documented by a study done at the U.S. Department of Education and by the recent report of the Twentieth Century Fund Task Force on Federal Elementary and Secondary Education Policy. The latter report stated unequivocally that:

> . . . The Task Force recommends that the federal government clearly state that the most important objective of elementary and secondary education in the United States is the development of literacy in the English language . . .
>
> . . . The Task Force recommends that federal funds now going to the bilingual program be used to teach non-English-speaking children how to speak, read, and write English.

Even though the bilingual education program has received failing marks by many reputable educators, it still survives because it is a political issue rather than an educational issue. What this means is that we will continue ju finance an expensive bilingual program that does more to preserve cultural identities than it does to teach children to speak English.

In the area of voting rights we have also formulated a national policy that encourages voting citizens not to learn to speak English. The Voting Rights Act, which was reauthorized in 1982, requires bilingual ballots if more than 5 percent of the citizens of voting age in a jurisdiction are members of specified language minority groups and the illiteracy rate is higher than the national rate. As a result bilingual ballots are required by Federal law to be provided in 30 States—even if there is no demand for them.

In essence, we have gone far beyond providing a necessary service on a temporary basis, and, we are now engaged in actively encouraging the use of bilingual ballots, even though in many cases they may not be needed. The wisdom of this policy is clearly lacking when you consider that the vast bulk of political debate, whether it is in the printed press or the electronic media, is conducted in English. By failing to provide a positive incentive for voting citizens to learn English, we are actually denying them full participation in the political process. Instead, we are making them dependent upon a few interpreters or go-betweens for information as to how they should vote. Although this process helps to preserve minority voting blocks, it seriously undercuts the democratic concept that every voting individual should be as fully informed as possible about the issues and the candidates.

In many parts of the country foreign language ballots are under attack. In San Francisco, a local initiative petition has been filed urging that local governments be allowed to print ballots in english only. In that area ballots are now printed in English, Spanish, Chinese and because of the new census figures, Tagalog ballots will probably be printed in the future.

There are other less prominent provisions of Federal law which now require the use of foreign languages. For example, 28 U.S.C. 1827 requires the Director of the Administrative Office of the U.S. courts to establish a program for the use of foreign language interpreters in Federal civil and criminal proceedings for parties whose primary language is other than English; 42 U.S.C. 254 requires the use of foreign language personnel in connection with federally funded migrant and community health centers; and 42 U.S.C. 4577 requires the use of foreign language personnel in the alcohol abuse and treatment programs. Although I can understand that this kind of assistance is helpful, the fact that it must be legislated strongly indicates that we are failing miserably in our efforts to teach immigrants and many of our native born how to speak, read and write English.

The Federal laws requiring the use of interpreters and foreign languages are merely the tip of the iceberg. I recently sent a request to all of the State Governors and the major Federal agencies asking for information regarding non-English forms and publications that their offices produce, which are intended for use in this country. Although my staff is still in the process of reviewing the data, and I have not yet received responses to all of my letters, we know that hundreds of different non-English "forms and publications are now being printed and distributed on a wide scale throughout the United States. These publications cover a broad spectrum and range from White House press releases in Spanish to National Labor Relations Board notices in 33 different languages. The non-English materials which I have received are in a stack that is about 3 feet high, and we are adding to it almost daily. However, even when all the responses are in we still will not have a complete picture of the use of official, non-English publications. Many of the States are only sending a few samples of what they produce, and I am told that if copies of all bilingual educational materials were sent we could fill a large room. While distribution of these materials may be seen as providing just another government service, it can also be seen as reducing the incentive to learn English and demonstrates a growing nationwide problem.

At the nongovernment level there is a great deal of emphasis being placed on the use of non-English languages. In some major metropolitan areas English is the second language; minorities, who speak only English, are being told that they must learn a foreign language in order to be eligible for a job in parts of this country; and, in many stores non-English languages are the only ones used to conduct business. It is not uncommon to find areas in this country where an individual can live all of his or her life having all of his social, commercial, and intellectual needs met without the use of English.

Statistics show a disconcerting trend away from the common use of English. In 1975 the Bureau of the Census reported that about 8 million people in this country used a language other than English in their households. When the census was conducted in 1980 the number of people who spoke a language other than English at home was found to be over 22 million. Although these numbers are subject to many interpretations, to me they indicate—very strongly—that the melting pot is not working as it once did.

My assumption is confirmed by a recent population bulletin, "U.S. Hispanics: Changing the Face of America," which concluded that because of their common language and large numbers, Hispanics will take longer than other immigrant groups to assimilate into the American society.

If this situation were static and merely a reflection of the large scale legal and illegal immigration the United States has been experiencing over the last few years—in 1980 more immigrants entered the United States than at any time other than the peak years at the turn of the century—there would not be cause for concern. However, what we are seeing is a decrease in the use of English and a widely accepted attitude that it is not necessary to learn English.

There is a new philosophy taking hold, and it is gaining more and more acceptance. In the June 13, 1983, Time magazine an article stated in regard to this new philosophy, that:

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> Now, however, a new bilingualism and biculturalism is being promulgated that would deliberately fragment the Nation into separate, unassimilated groups . . . The new metaphor is not the melting pot but the salad bowl, with each element distinct. The biculturalists seek to use public services, particularly schools, not to Americanize the young but to heighten their consciousness of belonging to another heritage.

The United States is presently at a crucial juncture. We can either continue down the same path we have walked for the last 200 years, using the melting pot philosophy to forge a strong and united nation or, we can take the new path that leads in the direction of another Tower of Babel.

There are many nations in the world today that would give a great deal to have the kind of internal social and political stability that a single primary language (English) has afforded us. For us to consciously make the decision to throw away this stabilizing force would be seen as foolish and stupid in countries that have paid a high price for not having a universally accepted language.

We have to look no further than the nation which is closest to us geographically and culturally—Canada. They have had a long-running experience with bilingualism and biculturalism, and it is an experience that still generates divisiveness and still threatens to shatter the Nation's unity. The key cause of Canada's internal conflict is language. According to the Annual Report, 1981, of the Commissioner of Official Languages, the total cost so far in implementing the Canadian Official Languages Act "is on the order of $4 billion spread over the 12 years. The question of cost-effectiveness is more problematical. Measured against the goals of relieving English-French tensions and fostering a common pride in the value of our national languages, the results may be more questionable."

Belgium is another nation that has suffered severe internal dissent, much of which has been caused by language differences. In the last 30 years the political coalitions that are necessary to govern that country have been broken apart over 30 times by the fights between the French speaking Walloons and the Dutch speaking Flemish. This political squabbling has had serious consequences for Belgium, and it is not the kind of situation to which any nation should voluntarily subject itself.

This type of political instability has been repeated throughout history, and is still occuring in many countries today. In countless places, differences in language have either caused or contributed significantly to political, social, and economic instability. While the absence of language differences does not guarantee that these problems will not occur, I believe that it does significantly reduce the chances that they will occur.

The constitutional amendment which I am proposing is not unusual, and in fact, many nations have one official language. According to the Library of Congress these include, but are not limited to, Austria, Bulgaria, Denmark, France, the German Democratic Republic, the Federal Republic of Germany, Greece, Hungary, Italy, the Netherlands, Norway, Poland, Romania, and Sweden.

Within the United States there is ample tradition and legislation to justify this approach. According to the Library of Congress:

> Several Federal statutes and numerous State laws do require the use of English in a variety of areas.
>
> Thus, the Nationality Act of 1940 (8 U.S.C. 423) requires that—
>
> "No person . . . shall be naturalized as a citizen of the United States upon his own petition who cannot demonstrate—
>
> "(1) an understanding of the English language, including an ability to read, write an speak words in ordinary usage in the English language" (with provisos).
>
> Secondly, 28 U.S.C. 1865 requires that in determining whether a person is qualified for jury service, the chief judge of a district court "shall deem any person qualified to serve on grand and petit juries in the district court, unless he (the prospective juror)—
>
> "(2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form.
>
> "(3) is unable to speak the English language . . ."
>
> At the State level, most States have statutes requiring the use of English as the language of instruction in the public schools. Some States also statutorily require English as the language of legal proceedings and legal notices, of business regulation, etc.

More recently, the U.S. Senate has spoken out very strongly in favor of establishing English as the official language. On August 13, 1982, Senator Hayakawa introduced an amendment to the Immigration Reform and Control Act declaring that "the English language is the official language of the United States". On a rollcall vote 78 Senators voted for this amendment and it was included in the bill. When this same bill was again reported out of the Judiciary Committee on April 21, 1983 it again contained this language, and the report of the full committee stated:

> If immigration is continued at a high level, yet a substantial portion of these new persons and their descendants do not assimilate into the society, they have the potential to create in America a measure of the same social, political, and economic problems which exist in the countries from which they have chosen to depart. Furthermore, if language and cultural separatism rise above a certain level, the unity and political stability of the nation will—in time—be seriously diminished. Pluralism, within a united American nation, has been the single greatest strength of this country. This unity comes from a common language and a core public culture of certain shared values, beliefs, and customs which make us distinctly "Americans".

The concerns that were expressed by the Senate Judiciary Committee are reflected in the concerns of thousands of citizens throughout this country. In fact, a new national organization has recently been created called U.S. English. The honorary chairman of this organization is former U.S. Senator S. I. Hayakawa, who speaks with a great deal of authority on this issue because he is an immigrant and distinguished scholar of semantics and languages.

U.S. English refers to itself as "a national, non-profit, non-partisan organization . . . founded to defend the public interest in the growing debate on bilingualism and biculturalism".

If we continue along the path we now follow, I believe that we will do irreparable damage to the fragile unity that our common language has helped us preserve for over 200 years. Cultural pluralism is an established value in our national life, and one which we greatly cherish. Paradoxically, cultural pluralism can only continue if we retain our common meeting ground, namely, the English language. If we allow this bond to erode, we will no longer enjoy the benefits of cultural diversity, but rather, we will suffer the bitterness of ethnic confrontations and cultural separatism.

The constitutional language I am proposing is simple and straightforward: It would serve to establish a principle that would strengthen us as a nation. However, I am aware that adding to the Constitution takes us into uncharted waters, and that there will be many misleading allegations about the extent of the problem and the proposed remedy. This is one of the reasons I have chosen to propose a constitutional amendment in order to address this issue. It will focus national attention on the problem, and subject it to the type of thorough national debate which is necessary.

During this constitutional process, all parties, sides and interests will have the opportunity to present their respective points of view. This will guarantee that the final version submitted to the States for ratification will accomplish only what is needed to be accomplished and that basic individual rights are not interfered with.

Even though I believe that the constitutional language I am proposing will work, I am open to all recommendations and I will carefully consider any proposed improvements or modifications. However, regardless of the final language, to a large extent it is the legislative history which determines how the language will be interpreted.

Accordingly, it is my intent that the amendment I am proposing would not do a number of things.

First. It would not prohibit or discourage the use of foreign languages and cultures in private contexts, such as in homes, churches, communities, private organizations, commerce, and private schools. The United States is rich in ethnic cultures and they would continue to survive as they have in the past.

Second. It would not prohibit the teaching of foreign languages in the

Nation's public schools or colleges, nor will it prohibit foreign language requirements in academic institutions.

Third. It will not prevent the use of second languages for the purpose of public convenience and safety in limited circumstances.

On the other hand the amendment would accomplish a number of objectives.

First. It would bring national recognition to the proposition that a common language is necessary to preserve the basic internal unity that is required for a stable and growing nation.

Second. It would establish English as the official language of Federal, State, and local governments throughout the United States.

Third. Since voting by citizens is the method of choosing the representatives of those governments and is the first step in the official process of governing, it would prevent the printing of ballots in foreign languages.

Fourth. It would permit bilingual education where it could be clearly demonstrated that the primary objective and practical result is the teaching of English to students as rapidly as possible, and not cultural maintenance. It would not affect the use of total immersion in English which is a proven method of teaching English.

Fifth. It would discourage discrimination and exploitation by making it clear to immigrant parents and children that learning English is indispensable for full participation in the American society and economy and by speeding them into the mainstream of our society and economy as rapidly as possible.

Sixth. It would reaffirm that we are truly "one Nation . . . indivisible . . .".

Mr. President, national unity is not a subject to be taken lightly for without it we would lose much of the strength which sets us apart as a great Nation. I believe that history has taught us that one of the vital ingredients for obtaining national unity is a commonly accepted language. This has been conformed by our own past experience in this country, and it has been proven by other countries that have been divided and weakened by their internal arguments centering around language differences.

National unity does not require that each person think and act like everyone else. However, it does require that there be some common threads that run throughout our society and hold us together. One of these threads is our common belief and support of a democratic form of government, and the right of every person to fully participate in it. Unfortunately, this right of full participation means very little if each individual does not possess the means of exercising it. This participation requires the ability to obtain information and to communicate our beliefs and concerns to others. Undoubtedly this process is greatly hindered without the existence of a commonly accepted and used language.

In essence what a policy of bilingualism/biculturalism does is to segregate minorities from the mainstream of our politics, economy, and society because we are not making it possible for them to freely enter into that mainstream. We are pushing them aside into their own communities, and denying them the tools with which to break out. I have always been against segregation of any kind and by not assuring that every person in this country can speak and understand English we are still practicing segregation. It was wrong when we segregated blacks because of color and it is just as wrong when we create a system which segregates any group of people by language.

As Americans we are a unique people and one of the things that makes us uniquely American is our common language—English. My proposed constitutional amendment would assure that anyone in this country can fully take part in the American dream and that future generations also will have this privilege.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 167

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE

"SEC. 1. The English language shall be the official language of the United States.

"SEC. 2. The Congress shall have the power to enforce this article by appropriate legislation.".

● Mr. SYMMS. Mr. President, today, Senator HUDDLESTON and myself are introducing a constitutional amendment declaring English to be the official language of the United States of America. This amendment will redefine that which is already a political and social reality and will clarify the mixed signals this country has provided to immigrants and minority groups.

From the beginning, English has been used as the official language of government, more or less as a matter of course. Requests for the official use of other languages have been consistently rejected. Congress, in the 1790's, 1840's and 1860's specifically declined to publish German versions of public documents.

Without our one language which has molded many different peoples from many different countries into one loyal people from one cohesive country, speaking one language, we would have been even more divided during the two World Wars. I believe Theodore Roosevelt summed up the situation when he drafted and circulated a statement which was signed by many prominent Americans of various ancestries:

"We must have but one flag. We must also have but one language. That must be the language of the Declaration of Independence, of Washington's Farewell Address, of Lincoln's Gettysburg speech and second inaugural."

The British North American Act of 1867 made French and English coequal in Canadian law, although French was predominant in Quebec and English in Ontario. Today, more than a hundred years later, the Canadian people suffer from a tragic split as a result of this legislated language difference.

Other examples come to mind. Belgium also has long been divided in two by the those who speak Flemish versus those who speak French. Sri Lanka is torn by the demands of those who speak the minority language of Tamil rather than the majority language of Sinhalese. Countless hundreds of thousands have lost their lives in the language riots of India. Real potential exists for a similar situation to be replayed in the United States.

Let me state at this point, that none of these statements is intended to discourage citizens from expanding their language base. However, this is a function of local school districts and not Federal agencies. As the United States becomes more dependent on trade with other nations, Americans should study more foreign languages, not less. Nevertheless, we need to keep one language—English—as the common ground through which this huge melting pot society can grow and thrive.

Our amendment would not prohibit the use of other languages in private conversation. It would not, as some have said, interfere with or forbid the use of other languages in unofficial contexts. Religious ceremonies, funerals, games, entertainments, and banquets and other events among immigrant communities may be held in Latin, Yiddish, Sanskrit, Spanish, French, Chinese, Japanese, or any other tongue.

Those who master English have the largest advantage toward full participation in our democracy. As Nathan Glazer pointed out in his article entitled "Pluralism and the New Immigrants," "One will never do as well in the United States living in Spanish, or French, or Yiddish, or Chinese, as one will do living, learning and working in English."

Let me for a few minutes explain what our amendment will do, upon its passage by Congress and ratification by three-fourths of the States:

It will establish English as the official language of State, Federal, and local government business.

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It will allow transitional instruction in English for non-English speaking students, but do away with requirements for foreign language instruction in other academic subjects.

It will end the false promise being made to new immigrants that English is unnecessary for them.

As Senator HAYAKAWA, my former colleague, good friend, and prime leader in this important endeavor has stated, "Perhaps the fundamental purpose of the English language amendment is to preserve what our Pledge of Allegiance describes as "One nation, under God, indivisible * * *."

I appreciate the opportunity to be a joint sponsor of this constitutional amendment with my colleague, Senator HUDDLESTON and I commend him for his efforts and involvement. I look forward to a large bipartisan response and a growing national interest in this issue.●

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TEL. [illegible]
AFTER [illegible] P.M.

Chinese American Civic Council

HELEN WONG JEAN
EXECUTIVE SEC'Y

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2249 SO. WENTWORTH AVENUE
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April 23, 1984

Senator Walter Huddleston
United States Senate
Washington, D.C. 20510

Dear Senator Huddleston:

I wholly support English Language Amendment H.R., Resolution 169 and Senate Resolution 167. And am pleased that something is being done about the problem. I cannot understand why just one language should be singled out for translation. What about the rest of us?

As an American of Chinese descent (and I speak the language) I weould like to have the English language legally recognized as the one and only official language of the United States.

Sincerely,

Helen Wong Jean
Executive Secretary

United States Senate
WASHINGTON, D.C. 20510

August 27, 1984

Honorable S. I. Hayakawa
U.S. English
1424 16th Street, NW
Suite 714
Washington, D.C. 20036

Dear Sam:

Though I am in the midst of a reelection campaign, I am already planning for major legislative moves in the next Congress. Protecting the English language from further erosion through appropriate legislation is high on my list of priorities for 1985.

We have certainly come a long way since you first introduced the English Language Amendment in 1981. As I recall, few people realized that the English language enjoys no legal protection in our society, and many thought at first that declaring English the official language was redundent. I believe that your amendment, and the reintroduction of it last year in both Houses, has demonstrated that the protection of English is a serious political issue, and that some legislative action is needed if we are to retain our common language bond.

We got as far as hearings on the ELA last June--despite election year politics that normally advise against taking on new controversies. This represents enormous progress in the development of the issue, and it has done a great deal to educate the press, the public, and our Congressional colleagues.

The public discussions generated by the ELA have called attention to a further need for constitutional scholarship in the area of language law. We want to make sure that the language of the amendment is not so specific as to trivialize the Constitution, nor so broad as to cause potential First Amendment conflicts. In other words, we must now consult the best legal minds in the country in order to arrive at the best possible formulation for this amendment--or statutory legislation, if that seems indicated.

Sam, U.S. English has been instrumental in advancing the cause of the English language bond, and I am hoping that your organization can secure the money necessary for a scholarly review of the issue. It would be extremely useful to commission several research papers from leading Constitutional scholars, to be followed by an academic seminar and publication of research papers. Such a course of action would allow us to proceed confidently, secure in the knowledge that we are protecting both our individual civil rights and our common language.

The development of a formula for protecting English within the framework of indiviual civil rights guarantees would be a major contribution to the welfare of each and every one of us, and to generations of Americans yet to come. Here is an opportunity to make a truly historic gift to the nation, and I hope that it can be secured.

Thank you for all your help. Please let me know if I can do anything further. I would be pleased to make whatever contacts may be useful.

Best wishes,

Sincerely,

Walter D. Huddleston

Congressional Research Service
The Library of Congress

Washington, D.C. 20540

LEGAL ANALYSIS OF S.J. RES. 167 PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION TO MAKE ENGLISH THE OFFICIAL LANGUAGE OF THE UNITED STATES

Charles V. Dale
Legislative Attorney
American Law Division
June 13, 1984

* * *

LEGAL ANALYSIS OF S.J. RES. 167 PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION TO MAKE ENGLISH THE OFFICIAL LANGUAGE OF THE UNITED STATES

On September 21, 1983, Senator Huddleston, for himself and several colleagues, introduced S.J. Res. 167, which would amend the U.S. Constitution to make English the "official language of the United States" and provide for legislative enforcement by Congress. The text of the proposed amendment reads:

> Section 1. The English language shall be the official language of the United States.
>
> Section 2. The Congress shall have the power to enforce this article by appropriate legislation.

The proposal would, by its terms, become part of the fundamental law of the land if ratified by three-fourths of the states within seven years of its submission by Congress.

At the outset, it appears doubtful whether the section 1 declaration of English as the "official" language would, standing alone and without reference to the subsequent enforcement provision, have any practical legal effect.[1/] The wording of that section would not seem *per se* to mandate or prohibit anything, at least in the absence of legislative history elucidating a contrary intention on the part of Congress. Nor would the amendment necessarily imply the wholesale repeal or nullification of existing federal or state laws and regulations that

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[1/] At present, the closest analogy to federal recognition of English as an "official" language may be found in the naturalization laws which, with certain limited exceptions, require that to qualify for citizenship, the candidate must demonstrate "an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language. . ." 8 U.S.C. 1423.

require or permit the use of non-English for various purposes, without post-ratification congressional action to that effect.[1a] In this regard, the measure may be contrasted with H.J. Res. 169, its House counterpart, which besides conferring official status on the English language, goes on to implement this declaration by explicitly prohibiting governmental policies requiring the use of language other than English. Thus, the practical force and effect of the amendment would seem largely to turn on exercise by the Congress of the power granted it in section 2 to enforce the article by "appropriate legislation."

This enforcement language parallels that generally found in the Civil War Amendments to the Constitution[2] which have been interpreted by the Supreme Court to grant "plenary" authority with Congress to "determin[e] whether and what legis needed to secure the [constitutional] guarantees. . . ."[3] To be "appropriate legislation", the congressional action need be "plainly adopted to the end" of enforcing the amendment and "not prohibited by, but. . . consistent with the letter and the spirit of the Constitution."[4] In applying this standard, the Court has adopted a "rational basis" test, requiring only that the legislation be "reasonable" or "rational", and not arbitrary and capricious, when viewed against the legislative record.[5] Accordingly, it appears that Congress would possess broad discretionary power under the amendment to determine what laws are appropriate to enforce the constitutional declaration of English as the official national language, even arguably to the point of requiring that English be used in certain settings.

[1a] See, e.g. 42 U.S.C. 1973aa-1a (bilingual election provisions of the Voting Rights Act); 8 U.S.C. 1224 (language interpreters to be used to examine alien immigrants); 28 U.S.C. 1827 (foreign language interpreters in federal court proceedings); 28 U.S.C. 1608 (translation of judicial process served on functionaries of foreign state); 42 U.S.C. 254b(f)(3)(J), 254c (use of foreign language personnel in federally funded migrant centers and alcohol and drug abuse programs).

Enforcement of these and similar requirements, while susceptible of repeal or modification by affirmative act of Congress pursuant to section 2, would not seem impaired by section 1 of the amendment *per se*. Note also, however, that even without the amendment, Congress presumably would be empowered to amend or repeal these provisions, at least to the extent that they are grounded in legislative grace rather than constitutional imperative.

[2] See Articles XIII, XIV, and XV of the U.S. Constitution.

[3] *Katzenbach* v. *Morgan*, 384 U.S. 641, 650 (1966). Also, *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966); *City of Rome* v. *United States*, 446 U.S. 156 (1980).

[4] 384 U.S. at 650-51.

[5] E.g., *City of Rome* (*supra*), *Fullilove* v. *Klutznick*, 448 U.S. 448 (1980).

This does not mean, however, that Congress would have unfettered authority to legislatively enjoin the use of other languages in those contexts where competing constitutional interests may be at stake. For example, in Meyer v. Nebraska[6] the Supreme Court struck down a state law that forbid teaching in any school in the state, public or private, of any modern foreign language before the ninth grade because it improperly infringed upon the liberty of parents to make educational choices for their children. More recently, in response to the Supreme Court's ruling in Lau v. Nichols,[7] several lower federal courts have held the failure of local school districts to provide supplemental language instruction to non-English speaking students is a violation of federal statutory and constitutional guarantees.[8] Similarly, non-English speaking criminal defendants have been held to have a right to simultaneous translation of trial and pre-trial proceedings grounded in the Sixth and Seventh Amendments.[9] Whether Congress by means of enforcement legislation under the proposed amendment could effectively abrogate judicially recognized rights to non-English usage based on other coequal constitutional sources would seem at best an open question.[10]

A similar clash of constitutional interests may result from congressional enforcement of the amendment directed at the actions of private citizens rather than the government. In this respect the amendment implies a significant expansion of federal legislative authority in that Congress would presumably be empowered to regulate free of state action or interstate commerce considerations that traditionally circumscribe federal regulation of private conduct. For example, could Congress enforce the section 1 declaration of English as the "offi-

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6/ 262 U.S. 390 (1923).

7/ 414 U.S. 563 (1974).

8/ See, e.g. Serna v. Portale Municipal Schools, 499 F.2d 1147 (10th Cir. (1974).

9/ See, generally, "Right of Accused to Have Evidence or Court Proceedings Interpreted", 36 ALR 3d 276, and cases cited therein.

10/ However, at least two arguments could be advanced for the proposition that congressional legislation under the amendment would constitutionally prevail over contrary pre-existing judicial interpretations of due process or equal protection. First, because the amendment would be more contemporaneous in time, it could be argued that it would take precedence over earlier constitutional authority. Second, and related to this, is the argument that because the amendment is more narrowly drawn and subject-specific to English language usage, it creates an exception to existing jurisprudence as pertains to that subject, and accordingly congressional enforcement legislation overriding these judicial precedents would prevail. Cf., F.T.C. v. Manager, Retail Credit Co., 515 F.2d 988 (D.C. Cir. 1975); Monte Vista Lodge v. Guardian Life Ins. Co. of America, 384 F.2d 126 (9th Cir. 1967). In all probability, however, the courts would seek guidance as to Congress' intent from the legislative history of the amendment before resorting to such canons of construction.

cial" national language by legislatively restricting the use of non-English by private persons in public places, or bar judicial enforcement of private legal documents executed in a langauge other than English? Concededly, such curbs on the private use of foreign language would raise substantial First Amendment questions, but just how the courts might reconcile the apparent conflict between the demands of free speech, on the one hand, and the constitutional interests protected by the proposed amendment are unclear. The most that can be said is that, absent a definitive legislative history, the two sets of interests would presumably be of equivalent constitutional status, and the courts would be left to strike the appropriate balance between them.

Charles V. Dale
Legislative Attorney
American Law Division
June 13, 1984

Senator HATCH. Thank you, Senator Huddleston.

You are the author of Senate Joint Resolution 167, the English language amendment to the Constitution, and I think you have done a service in bringing this amendment to the consideration of this subcommittee today.

Senator HUDDLESTON. Thank you.

Senator HATCH. Let me just ask you a few questions about it that I think need to be answered for the record.

Senator HUDDLESTON. Fine.

Senator HATCH. In the wake of World War I, one State passed a law prohibiting the teaching of the German language in public schools. That was the State of Ohio. As you know, Nebraska had a law which banned the teaching of any language other than English in elementary schools. The Supreme Court struck down these particular statutes in the famous case of *Meyer* v. *Nebraska*.

Is there any language in your constitutional amendment proposal that would preserve the policy of the *Meyer* case which struck down those particular types of statutes? In other words, is there any language in your amendment that would prevent a State from prohibiting instruction of a tongue other than English?

Senator HUDDLESTON. Frankly, I do not believe my amendment, if passed and adopted, would affect directly that case, the *Meyer* case. I think that the question of whether or not you were infringing upon a citizen's right by not allowing him to receive instruction in these various languages does not, in my judgment, come to play in this particular amendment. We are just establishing the basic language of the United States, and do not in any way intend to prohibit the teaching of any other foreign language that schools might want to participate in. In fact, I certainly encourage that.

Senator HATCH. Let me move into the area of foreign relations. If we pass your amendment, and it is ratified by three-quarters of the States, would your amendment require the President, for instance, in conducting foreign policy, to always do it in English? Would all documents have to be written in English? Would all treaties and other compacts and other association documents have to be written in English?

Senator HUDDLESTON. I do not think that it would. As I said, any amendment is subject to various interpretations. But my judgment would be that it would not, and it is based on the fact that other countries that do have officially designated languages do not have that difficulty. We are talking about a language for domestic purposes. If the President, of course, or anyone conducting foreign policy has the need to conduct that policy in a language other than English, it does not seem to me would be in conflict with that.

Senator HATCH. Do you have any language within the amendment that would resolve that potential conflict, or do you feel that just good, common sense would resolve that?

Senator HUDDLESTON. That would be my interpretation.

Senator HATCH. OK. Now, it is hard for us today to anticipate the potential test to which the Constitution might be put in coming generations, but what effect would having English as the official language of the United States have upon the territories, which may speak different languages, and in particular, future States that might come into the Government—let us take, for instance, Puerto

Rico, where the predominant language, as I understand it, is Spanish. What would they have to do with their own native tongue in order to become the 51st or 52d State?

Senator HUDDLESTON. I think that if this became part of the Constitution, that Puerto Rico or any other territory that exists that is contemplating becoming a State has to accept the Constitution of the United States, and I presume they have to accept all of it; they cannot pick and choose certain provisions. That would, without question, present some problem but they would have to make that decision.

Senator HATCH. I see. If the purpose of your amendment is to address contemporary concerns such as bilingual education and bilingual ballots, would it not be more practical, rather than trying to go through the constitutional amendment process, to repeal or amend by simple majority the Bilingual Education Act or the bilingual ballot aspects of the Voting Rights Act?

Senator HUDDLESTON. Mr. Chairman, I see the bilingual education and the misuse of it, and the bilingual ballots as just an early manifestation of a much deeper and serious problem, and that is the whole question of a bilingual or multilingual society in the country. And while we might pass legislation that would address those two situations, it seems to me that the proper way to settle the question for future generations is to go the constitutional route of designating English as the official language of the country.

Senator HATCH. Would you intend your amendment to make unconstitutional the current law requiring the administrative office of the courts to establish a program for the use of foreign language interpreters in Federal, civil, and criminal proceedings, for parties whose native tongue is a different tongue other than English?

Would your amendment make this law unconstitutional, in your opinion?

Senator HUDDLESTON. I am not certain that it would or would not, Mr. Chairman. Of course, I am not a legal scholar. But I think that is an area in which a certain degree of practicality has to occur. I think that the overall, riding mandate that we operate a system of justice in this country may very well dictate that those who get caught into that system have an opportunity to understand what is happening. And it might be that you have got to resort to a different language in order to make sure that occurs. I think that is an area in which we can through, perhaps, the legislative record, clarify as this process goes on. I think that is an area that presents some difficulty.

Senator HATCH. Thank you.

Senator DeConcini, our ranking minority member.

STATEMENT OF HON. DENNIS DeCONCINI, A U.S. SENATOR FROM THE STATE OF ARIZONA

Senator DECONCINI. Mr. Chairman, thank you very much for bringing this issue to the Judiciary Committee. Thank you too Senator Huddleston. I think this is an issue which we must address here at the Judiciary Committee.

I do not agree with everything you say. This is because of my concern about some of the bilingual programs that I think are most beneficial. But I think you raise a very good point, and I thank you for doing that, because it is our duty on this committee to find out the significance and the impact of such a constitutional amendment. And certainly, your contention that English be spoken by all Americans is one with which I do not think anyone argues.

Mr. Chairman, my only statement on the subject matter is that I have an open mind. I first do not believe that there is any question that in this country English is the official language. If putting it in the Constitution would make people feel better, and it is a symbol, then I do not think there is any thing wrong with that.

What concerns me is whether or not we can, through the hearing process, be sure that we are not losing something in this country that has enriched it so well, that is the immigrants that still come into this country with their culture and their foreign languages. I think we need to be most careful that this amendment would not deter or inhibit or eliminate good, bilingual programs.

There is a case to be made that some bilingual programs may have been abused. In my opinion—and in my State, I have witnessed these bilingual programs, particularly in elementary schools—they have enhanced the ability of young children who cannot speak English well enough to compete in subjects with English-speaking students. Most programs seek to assure that these children are not held back in school. The problem comes when that is extended beyond the area of need to be proficient in language so you can compete in all subjects. That is a concern I have, Mr. Chairman.

I think your question is well raised as to what do we do with official documents in this country, and maybe the record could be made clear that they would not all have to be made in English such as treaties and what have you. That may be addressed through the resolution itself, which Senator Huddleston very astutely drew up, giving Congress the authority to enforce it. I presume, Senator Huddleston, you would anticipate that the Congress could certainly pass legislation authorizing any language used in certain documents or any particular area that they wanted to.

Senator **Huddleston**. I think that is correct, within the limits of the amendment.

Senator **DeConcini**. Your amendment also, as far as you can see, would not prohibit Congress at all from continuing bilingual programs, whether it is ballot box or education or anything else—is that true, too—if they elected to do so?

Senator **Huddleston**. I do not believe it would prohibit Congress or even local jurisdictions that may find a need for that within the limits of the amendment. It just establishes English as the official language.

Senator **DeConcini**. Many countries, as we know, have more than one official language. India has two, Switzerland has four, and there are many, many enrichments in a society that is truly bilingual or multilingual, and I for one wish I spoke another language and wish that there was a more aggressive program in the educational system to see that that was part of our everyday educational process.

Mr. Chairman, I have to go to another meeting. I am going to carefully review this.

I thank Senator Hayakawa for his leadership in this area, and Senator Huddleston, and the other cosponsors of this bill, and I thank you, Mr. Chairman.

Senator HATCH. Well, thank you, Senator DeConcini, we will insert your statement in the record.

[Material submitted for the record follows:]

PREPARED STATEMENT OF SENATOR DENNIS DeCONCINI

MR. CHAIRMAN, AS LAWMAKERS WE HAVE A RESPONSIBILITY TO IDENTIFY AND DISCERN AS BEST AS WE CAN ALL THE POSSIBLE RAMIFICATIONS OF A PROPOSED PIECE OF LEGISLATION BEFORE ENACTING IT. THIS RESPONSIBILITY IS EVEN GREATER WHEN WE, AS NOW, ARE CONSIDERING A PROPOSED AMENDMENT TO THE UNITED STATES CONSTITUTION SINCE A SINGLE ALTERATION OF THIS DOCUMENT CAN AFFECT LITERALLY HUNDREDS OF LAWS. THUS, I WOULD LIKE TO THANK ALL OF OUR KNOWLEDGABLE WITNESSES WHO HAVE COME TO AID US IN UNDERSTANDING THE PROPOSED RESOLUTION AND ITS POSSIBLE IMPACT.

I THANK YOU TOO, MR. CHAIRMAN, FOR HOLDING THIS HEARING.

I AM VERY INTERESTED AND CONCERNED WITH THE TOPIC TO BE DISCUSSED TODAY.

OURS IS A HERITAGE WHICH, WHILE WELCOMING IMMIGRANTS, HAS GENERALLY EMPLOYED ENGLISH AS A TOOL IN SOCIAL AS WELL AS ECONMIC CONTEXTS. ENGLISH IS DEEPLY ENTRENCHED IN OUR CULTURE.

BY THE SAME TOKEN,I HAVE LONG BEEN AN AVID SUPPORTER OF BILINGUAL EDUCATION AS A MEANS OF AIDING CHILDREN IN LEARNING ENGLISH WHILE MAINTAINING A LEVEL OF PROFICIENCY IN MATHEMATICS, HISTORY, AND SCIENCE IN THEIR NATIVE LANGUAGE.

I HAVE ALSO SUPPORTED THE BILINGUAL PROVISIONS OF THE VOTING RIGHTS ACT AND THE FEDERAL COURTS INTERPRETORS ACT WHICH PROVIDES NON-ENGLISH SPEAKING DEFENDANTS WITH TRANSLATORS. THESE LAWS SEEK TO PROTECT THE BASIC CONSTITUTIONAL RIGHTS OF MANY PEOPLE. THUS, IT IS WITH GREAT INTEREST THAT I WILL FOLLOW THIS DISCUSSION.

Senator **DeConcini**. I thank the chairman.

Senator **Hatch**. Senator Huddleston, I want to thank you for coming to the committee and for the excellent statement that you have made, and we will certainly look at this very carefully.

Thank you for being here.

Senator **Huddleston**. Thank you, Mr. Chairman, and thank you to the committee.

Senator **Hatch**. Our next witness will be Senator Quentin Burdick, who is a cosponsor of Senate Joint Resolution 167.

We are very pleased to welcome you, Senator Burdick, before this committee, and we look forward to taking your testimony.

STATEMENT OF HON. QUENTIN N. BURDICK, A U.S. SENATOR FROM THE STATE OF NORTH DAKOTA

Senator **Burdick**. Thank you, Mr. Chairman, and members of the committee.

I want to thank you for the opportunity to testify on the English language amendment.

In the interest of time, I will keep my comments short.

In recent weeks, bilingual education has received considerable attention both inside and outside of Congress. The debate reveals strong feelings about the necessity of knowing English in this country and the best method of learning it. But I want to emphasize that bilingual education should not be at the center of this debate. I truly hope, Mr. Chairman, that the detractors of this amendment will not be allowed to focus the debate on issues not affected, or on results not effected, by the English language amendment. Rather, we should be concentrating on the desirability and necessity of having a common, national, official language.

I would like to stress three points in support of the ELA. First, it is in the best interest of the non-English speaker. While the benefits may not be intuitive, they are imminently logical. Without speaking English, one cannot become fully involved in the political process. Without speaking English, one cannot realize the significant economic achievements available in this country. In short, without speaking English, one cannot fully participate in American society.

Federal provisions requiring programs like bilingual ballots and bilingual education are supposed to benefit the non-English-speaking minorities. In fact, they do not. The goal for all non-English-speaking Americans should be to learn English. To the extent that bilingual education achieves this goal, it is good. But to the extent that bilingual education stalls this process, and to the extent that it allows a person to get along comfortably without knowing English, it is bad.

Similarly, the extent to which a bilingual ballot allows a person to become involved in the political process is only minimal—it allows him to vote. But unless he learns English, he cannot effectively influence political debate, alter public policy, or run for public office.

Do not misunderstand me. The right to vote cannot be infringed, and it may be the highest level at which one desires to participate. However, we currently require an alien to speak, read, and write

English before he can be naturalized as a U.S. citizen. We should expect the same of all citizens.

The worst service we can perform for Americans who do not know English is to allow them to "get along." Such a service is precisely equivalent to holding them back.

The second point I want to make is that the English language amendment does not stand in opposition to bilingualism. Bilingualism, and indeed multilingualism, is absolutely necessary, if not the primary ingredient, in bringing together the peoples of the various nations and cultures of this world. We must continue to encourage such interaction. What must be discouraged are practices which allow or even encourage residents of this country not to learn English.

Furthermore, the ELA does not mean to discourage people from using their native tongue or a foreign language when it is appropriate, be it at the dinner table, at neighborhood gatherings, or even at public events. We will continue to have elegant French restaurants with menus printed in French. Opera stars will continue to sing in Italian, German, or French. Seminarians will continue their Latin studies. But neither Federal, State, and local governments, nor their subordinates, such as cities, government agencies, and public schools, should have to acquiesce to the non-English speaker.

Nor does the ELA oppose the use of foreign languages by U.S. residents who already know English. Our students should continue to learn foreign languages in school. Our Peace Corps volunteers should continue to learn the language of the country to which they will become ambassadors of good will. And our tourist industry should continue to do its utmost to accommodate foreigners visiting our Nation.

Third and finally, though we have room for foreign languages in our schools, in diplomacy, in public, and in private, we cannot go to the extra step of forgiving the non-English speaker who wants to be a full participant in the affairs of this country. Such forgiveness leads to disunity. The United States has long been considered the melting pot where peoples of all nations come together as one. Many of us do not have to trace our heritage back more than a few generations to arrive at a foreign immigrant ancestor, many of whom knew only a foreign language when they arrived in this country. But they knew they had to learn English. My State of North Dakota is populated by immigrants particularly from Europe. The English came, the Norweigians came, the Germans came. And they had to learn English. They had to get together as a community. And I think that is part of the welding of our country, what happened in those early days. They had no bilingual education. There was no separate language taught in schools. They had to know, and did know, and learned to know English. They did so, and they made sure that their children did so, too. The country has become, and remained, unified as a result.

In our differences lie our strength and personal pride. But in our differences also lurks the potential for unmanageable and irreconcilable division. We need only look to our neighbor to the North to see what two official languages can do to a country. Manitoba, which is across from my State of North Dakota, entered Canada as a bilingual province. A speeding ticket issued there in English only, rather than English and French, brought about a Supreme Court ruling that laws passed only in English are not valid. Canada's language problems pose a continuing crisis which promote heated debate, internal disunity, and threats of secession. Establishing English as the official language of this country now would avert insurmountable problems in the future.

The definition for United States should include knowledge of—if not mastery of—English. ELA helps write and enforce the definition. Without it, our problems concerning national unity and ethnic diversity have not yet begun. With it, such problems can be prevented.

Thank you, Mr. Chairman.

Senator HATCH. Thank you so much, Senator Burdick. We appreciate having your testimony today. Thank you for being with us.

Our next witness will be Senator Steven Symms from Idaho. He is another cosponsor of Senate Joint Resolution 167. Steve, we welcome you before the subcommittee, and we look forward to hearing from you.

STATEMENT OF HON. STEVEN D. SYMMS, A U.S. SENATOR FROM THE STATE OF IDAHO

Senator SYMMS. Thank you very much, Mr. Chairman, and I want to compliment you for holding these hearings. I thank you not only for your interest in this particular subject, but your interest in constitutional law in general. I do not believe that the Senate could be better served by a more able chairman of this subcommittee on this very important issue. You consider many issues pertaining to the Constitution, and I think it is most important that someone of your background and knowledge holds this chairmanship.

Senator HATCH. Thank you so much.

Senator SYMMS. I have long had an interest in this particular subject. Mr. Chairman, I might go back and say it was a great concern to me when I discovered how many different languages the election ballots were being printed in, especially since anyone who immigrates to this country and is naturalized is required to know certain English skills in order to achieve naturalization. Others, who are American citizens by their birthright, have the opportunity to participate in the public school system; so there really is no reason for immigrants to be discouraged to learn English.

Former Senator Sam Hayakawa has made some monumental efforts on this constitutional amendment. When I first heard of it, I was very enthusiastic, an instant supporter of this proposal.

I would also like to compliment our distinguished colleague, Walter Huddleston, for the effort he has made to bring this amendment forward to the Senate, and I am most happy to be a cosponsor of it.

Mr. Chairman, in Idaho, our secretary of state, Pete Cenarrusa, was born of Basque parents, and when he started at Bellevue Grade School, a small community just south of Sun Valley, he could not speak a word of English. But his parents insisted that he speak English and be immersed in English. By the time he had graduated from the University of Idaho and World War II broke out, he was not only a college graduate—but was able to begin a superb military career. Pete was a fighter pilot in the Marine Corps during the war. Now, he is secretary of state of our State, and he has made the comment many times that if he had not been forced to learn English, he would never have been able to do anything other than herd sheep. He said he would have, in fact, been held back and not had the same opportunities as other Americans, had it not been for his immersion in English.

I would like to make a few comments on what we do not intend to do with the English language amendment.

It will not subvert the Bill of Rights and the first amendment

It will not disallow the use of a foreign language for purposes of public safety and convenience. Danger construction signs should be in every appropriate language, as should poison labels on insecticides.

It will not prohibit the teaching of foreign languages in the schools. As a matter of fact, I have taken my prerogative as a father to insist my children learn to speak Spanish. In our State, it is very essential, particularly in the agriculture communities, to be able to communicate in Spanish because we have many, many Hispanic Americans there, as well as many Mexican nationals in the agriculture communities. And I would never support legislation that would restrict any child's right to learn a language or to expand his or her intellectual horizons.

Finally, Mr. Chairman, we are not seeking to designate English or Anglo-Saxon culture as superior or preferable to other cultures and other languages. The amendment merely recognizes the historic role that English has played in unifying America.

We take great pride in our diversity, as well we should. But diversity without a common language is separatism. Without English, there would be no melting pot, only a salad bowl, with each element distinct and separate.

To understand the need for an English language amendment, Mr. Chairman, you need to look around the world at the many nations that are fragmented and tormented by linguistic divisions. In India recently, we have seen how bloody the clashes can be between different language groups. Other harsh struggles continue between the Tamil and Sinhalese speakers of Sri Lanka, between the French and Flemish speakers in Belgium, and between the French and English speakers in Canada.

In each instance, these language differences can lead to a bitter political dispute and outright violence. Similar problems could someday confront the United States. According to the Department of Education, the number of language minority people in the United States is expected to increase nearly twice as fast as the general population in the next 15 years. This could create vast linguistic ghettos in many American cities, like Los Angeles, San Francisco, and Miami. In some parts of these cities English is virtually unknown.

Many citizens living in these areas may never learn English. Without a common tongue, the United States faces the prospect of Balkanization and linguistic separatism. Nowhere is this trend more ominous than in the case of bilingual ballots and so-called bilingual education.

Laws now require multilingual ballots and voting aids, along with taxpayer-financed voter registration campaigns aimed solely at voters who do not understand English. I cannot believe that a citizen who knows only Chinese or Tagalog—and, Mr. Chairman, Tagalog is a Philippine dialect which is actually on the ballot in parts of San Francisco—can fully appreciate American political life. Without English, it seems to me it would be difficult to imagine someone making an informed choice between Ronald Reagan and Walter Mondale. Such a constituent can only vote the way he is told to vote. The multilingual ballots do not encourage participation in the political process. In fact, in my judgment, they do just the opposite—they encourage machine politics, allowing a single politician to reserve for himself the right to interpret events in Sacramento, Austin, or Washington, DC, for an entire community.

There is also an underlying assumption behind the bilingual ballot that strikes me as biased, even unconsciously racist. The 5-percent trigger for bilingual ballots in the Voting Rights Act seems targeted strictly at nonwhite groups. It rarely has been used to mandate separate ballots for non-English-speaking whites, be they Swedes, Greeks, Germans, or Hassidic Jews. The hidden assumption there is that, as Senator Hayakawa puts it—and I quote him—

> Learning English is beyond the capacities of the nonwhites, who therefore need ballots in their own language, while white people, whether Jews, or Hungarians or Portuguese or Swiss, are smart enough to need no such assistance.

In education, languages other than English are being used to teach math, geography, history, and other subjects. As a New York Times editorial writer recently observed, "The trouble with 'bilingual' education is that it isn't bilingual."

I think what the editorial was getting at, Mr. Chairman, is that there is nothing wrong with teaching English or Spanish or German or any other language in school. I would object to teaching geometry, chemistry, history, and other classes in Spanish or another foreign language in schools, and this will certainly hold back those students in the future.

Mr. Chairman, a 1976 test by the Department of Education of 136 New Mexico teachers in bilingual programs showed that only 13 of them—less than 10 percent—could read and write in Spanish at the third grade level. Many education experts will tell you that this is indicative of the level of bilingual instruction throughout the United States. We are in essence teaching the 3.6 million limited-English-proficient students in this country to be illiterate in two languages.

While there is ample evidence that current so-called bilingual education is failing, there is also abundant empirical evidence that an expeditious program of English language instruction leads to remarkable progress. For example, in McAllen, TX, the school district conducted its transitory bilingual programs partly in Spanish and partly in English. In a pilot project in that district, youngsters who are immersed in English after a 3-week transition period are doing markedly better than their peers. At McAllen's Sam Houston Elementary School, youngsters in five kindergartens are showing gains in oral English proficiency about a third higher than their peers in traditional bilingual programs. This shows us that the way to help people is to immerse them in the English language so they can adapt for higher opportunities later in their lives.

It is obvious that these children want to learn English and that their parents want them to learn English, and that they will need English to advance in American society.

Mr. Chairman, we are deceiving parents and cheating children of their future when we lull them into thinking that English is not necessary to make it in America.

To conclude, the English language amendment is a necessary designation of one language as the common denominator for a complex and diverse society. There is some precedent for this. In the 18th and 19th centuries, Congress consistently refused to print documents in German. To maintain these policies in the future against mounting political pressures, Congress will need a constitutional amendment.

The amendment preempts any further attempts to politicize language. It would not threaten the vulnerable American tradition of polyculturalism. Ironically, only a common tongue can preserve that tradition. Only a common tongue can bind together a nation made up of so many little nations.

Thank you, Mr. Chairman, for holding these hearings, and I hope that more of our colleagues will take an interest in this measure in the near future.

Senator HATCH. Thank you, Senator Symms. We appreciate your good remarks here today and you taking time to be with us.

[Material submitted for the record follows:]

PREPARED STATEMENT OF SENATOR STEVEN D. SYMMS

Thank you, Mr. Chairman. The English Language Amendment is an issue close to my heart. Often, when I have to delve into the mysteries of the budget process to try to understand, say, the "mismeasurement of interest transactions involving non-traded property," -- then I have longed to have an English Language Amendment to the Constitution.

Truthfully, the Amendment is important to me because of the monumental efforts of former Senator S.I. "Sam" Hayakawa of California, and my distinguished colleague, Senator Walter Huddleston of Kentucky.

Before I outline for you the goals to be achieved by the Amendment, let me tell you what it is not intended to do:

*** It will not subvert the Bill of Rights and the First Amendment.

*** It will not disallow the use of a foreign language for purposes of public safety and convenience. "Danger Construction" signs should be in every apprORIATE language, as should poison labels on insectide.

*** It will not prohibit the teaching of foreign languages. My children are proficient in Spanish. And, as a proud father, I would never support legislation that would restrict a child's right to learn a language, to expand his or her intellectual horizons.

*** Finally, we are not seeking to designate English or Anglo-Saxon culture as superior or preferable to other cultures and other languages. The Amendment merely recognizes the historic role that English has played in unifying America. We take great pride in our diversity, as well we should. But diversity without a common language is separatism. Without English, there would be no melting pot -- only a salad bowl with each element distinct and separate.

To understand the need for an English Language Amendment, you should look around the world at the many nations which are fragmented and tormented by linguisitic divisions. In India recently we have seen how bloody the clashes can be between different language groups. Other harsh and acrimonious struggles continue between the Tamil and Sinhalese speakers of Sri Lanka, between French and Flemish speakers in Belgium, and French and English speakers in Canada.

In each instance, these language differences can lead to bitter political disputes and outright violence.

Similar problems could someday confront the United States. According to the Department of Education, the number of language minority people in the United States is expected to increase nearly twice as fast as the general population in the next fifteen years. This could create vast linguistic ghettos in many American cities, such as Los Angeles, San Francisco and Miami, where English is often unknown in some areas.

Many citizens living in these areas will never learn English. Without a common tongue, the United States faces the prospect of Balkanization and linguistic separatism. Nowhere is this trend more ominous than in the case of bilingual ballots and so-called bilingual education.

Laws now require multilingual ballots and voting aids, along with taxpayer-financed voter registration campaigns aimed soley at voters who do not understand English.

I cannot believe that a citizen who knows only Chinese or Tagalog can fully participate in American political life. Without English, it is difficult to imagine someone making an informed choice between Ronald Reagan and Walter Mondale. Such a constituent can only vote the way he is told to vote. Multilingual ballots do not encourage participation in the political process -- just the opposite. They encourage machine politics, allowing a single politician to reserve

FOR HIMSELF THE RIGHT TO INTERPRET EVENTS IN SACREMENTO, AUSTIN OR WASHINGTON, D.C., FOR AN ENTIRE COMMUNITY.

THERE IS ALSO AN UNDERLYING ASSUMPTION BEHIND THE BILINGUAL BALLOT THAT STRIKES ME AS BIASED, EVEN UNCONCIOUSLY RACIST. THE FIVE PERCENT "TRIGGER" FOR BILINGUAL BALLOTS IN THE VOTING RIGHTS ACT SEEMS TARGETED STRICTLY AT NON-WHITE GROUPS. IT RARELY HAS BEEN USED TO MANDATE SEPARATE BALLOTS FOR NON-ENGLISH-SPEAKING WHITES, BE THEY SWEDES, GREEKS, GERMANS OR HASSIDIC JEWS. THE HIDDEN ASSUMPTION HERE IS THAT, AS SENATOR HAYAKAWA PUTS IT, THAT "LEARNING ENGLISH IS BEYOND THE CAPACITIES OF NON-WHITE PEOPLE, WHO THEREFORE NEED BALLOTS IN THEIR OWN LANGUAGE, WHILE WHITE PEOPLE, WHETHER JEWS OR HUNGARIANS OR PORTUGESE OR SWISS, ARE SMART ENOUGH TO NEED NO SUCH ASSISTANCE."

IN EDUCATION, LANGUAGES OTHER THAN ENGLISH ARE BEING USED TO TEACH MATH, GEOGRAPHY, HISTORY AND OTHER SUBJECTS. AS THE NEW YORK TIMES EDITORIAL WRITERS RECENTLY OBSERVED, "THE TROUBLE WITH MUCH (OF THE) 'BILINGUAL' EDUCATION IS THAT IT ISN'T BILINGUAL."

A 1976 TEST OF 136 NEW MEXICO TEACHERS IN BILINGUAL PROGRAMS SHOWED THAT ONLY 13 OF THEM -- LESS THAN 10 PERCENT -- COULD READ AND WRITE IN SPANISH AT THE THIRD-GRADE LEVEL. MANY EDUCATION EXPERTS WILL TELL YOU THAT THIS IS INDICATIVE OF THE LEVEL OF BILINGUAL INSTRUCTION THROUGHOUT THE UNITED STATES. WE ARE, IN ESSENCE, TEACHING THE 3.6 MILLION LIMITED-ENGLISH-PROFICIENT STUDENTS IN THIS COUNTRY TO BE[illegible] ILLITERATE IN TWO LANGUAGES.

WHILE THERE IS AMPLE EVIDENCE THAT CURRENT SO-CALLED BILINGUAL EDUCATION IS FAILING, THERE IS ALSO ABUNDANT EMPIRICAL EVIDENCE THAT AN EXPEDITIOUS PROGRAM OF ENGLISH LANGUAGE INSTRUCTION LEADS TO REMARKABLE PROGRESS. FOR EXAMPLE, IN MCALLEN, TEXAS, THE SCHOOL DISTRICT CONDUCTED ITS TRANSITORY BILINGUAL PROGRAMS PARTLY IN SPANISH AND PARTLY ENGLISH. NOW, IN A PILOT PROJECT IN THAT DISTRICT, youngsters who are immersed in English after a three-week transition period are doing markedly better than their peers. At McAllen's Sam Houston Elementary School, youngsters in five kindergartens are showing gains in oral English proficiency about a third higher than their peers in traditional bilingual programs.

It is obvious that these children want to learn English; that their parents want them to learn English, and that they will need English to advance in American society.

Mr. Chairman, we are deceiving parents and cheating children of their future when we lull them into thinking that English isn't necessary to make it in America.

To conclude, the English Language Amendment is a necessary designation of one language as the common denominator for a complex and diverse society. There is some precedent for this. In the 18th and 19th centuries, Congress consistently refused to print documents in German. To maintain these policies in the future against mounting political pressures, Congress will need a Constitutional Amendment.

The Amendment pre-empts any further attempts to politicize language. It would not threaten the venerable American tradition of polyculturalism. Ironically, only a common tongue can preserve that tradition. Only a common tongue can bind together a nation made up of so many little nations.

Thank you for your time Mr. Chairman. I hope that more of our colleagues will take an interest in the measure in the near future.

Senator **Hatch**. Our next witness is an internationally-renowned semanticist who first introduced an English language amendment in 1981, while serving as the U.S. Senator from the State of California, Mr. S.I. "Sam" Hayakawa.

When a major immigration reform bill came before the Senate in 1982, Senator Hayakawa successfully attached to it an amendment declaring the sense of the Senate that English is the official language of the United States. As I understand, that amendment is still part of the immigration bill which the House is now considering.

So we are pleased to welcome the distinguished author, educator, philosopher and former colleague, Senator Sam Hayakawa. We are happy to have you here, Senator.

STATEMENT OF HON. S.I. HAYAKAWA, A FORMER U.S. SENATOR FROM THE STATE OF CALIFORNIA

Mr. **Hayakawa**. Thank you, Mr. Chairman.

It is a great privilege and pleasure to be here, and I am very happy that this hearing is being held to take this issue one step further in public discussion.

Mr. Chairman, the drive for the constitutional amendment to make English the official language of the United States received a great boost just 2 weeks ago in the State of California. We had an initiative measure going which, if passed, would require the Governor of California to petition the President and the Congress of the United States to relieve the State of California from having to provide ballots and voter information materials in languages other than English.

The deadline for turning in the 393,000 signatures necessary to qualify the measure for the November election of 1984 was May 29. On that day, the district chairmen and officers of our organization, Californians for Ballots in English, delivered to the registrars of voters at county seats throughout the State a total of 626,321 signatures, almost twice as many as were needed.

The campaign to gather these signatures was begun in February 1984 so that we had less than 4 months in which to reach our goal. The signatures were collected by mail campaign originally, in which petition forms were sent out along with letters asking for financial contributions to sustain the drive. As money came in, more mailings were sent out.

What was noticeable about the responses to the mailings was, first, what seemed to us to be an extremely large number of small contributions, accompanied in many instances by letters from naturalized immigrant Americans, expressing how much it had meant to them to learn English and become American citizens.

Second, a remarkable number of people made additional copies of their petition forms on copying machines, to take around to their relatives, friends, and their places of work, in order to gather more signatures which they mailed in to us. And, when we got to the stage of stationing workers at shopping centers to collect more signatures, passersby would see the placards saying, "Ballots in English Only," and they stopped to sign the petitions at once without asking any further questions; they just lined up to sign them. The speed with which we reached our goal indicates the deep desire of people, both old-line Americans and more recent immigrants, to vote in English as an expression of their identity as Americans.

Now, where did the opposition to "Ballots in English Only" come from? Our experience in California has shown that it comes principally from Hispanic spokesmen, although our petition forms against bilingual ballots show thousands and thousands of Hispanic names. Objections also came from one American-born Chinese, who does not read or write Chinese, we learned, and calls himself chairman of "Chinese for Affirmative Action." However, no objections were heard from the Chinese Six Companies, who are the traditional spokesmen for Chinese-American interests in San Francisco.

Speaking of the Chinese, I want to tell a little story about a problem that emerged. In San Francisco, the translation of voter information was entrusted to educated Chinese scholars, who rendered the material into literary Chinese, a classical style which proved to be beyond the comprehension of the average voter. Clearly, what was needed was a translation of the translation, but no one offered to supply such a translation. There certainly has been no demand for bilingual ballots from the Japanese, who today are predominantly English-speaking Nisei and Sansei—that is, the children and grandchildren of the original immigrants.

There are tens of thousands of Koreans in California. Most have come to the United States since World War II. They are so eager to succeed in American terms that they would be the last to ask for ballots in their own language.

The Vietnamese, of whom we have many in California, are so glad to have found refuge in the United States that they, too, make no special demands of our culture, but ask instead what our culture demands of them. What is so admirable and touching about Vietnamese children is the way in which they have excelled in their school work, often being chosen as valedictorians at their high school graduations. Clearly, their parents have brought them up to study hard to become good citizens in the country that rescued them from death when, just a few years ago, they were fleeing from their conquered homeland.

The support of the English language amendment as we have found it is overwhelming. Last November in San Francisco, we had a referendum designated as proposition O, which asked that our mayor request the President and Congress to relieve us of the necessity of voting materials in foreign languages. It carried by almost a two-thirds majority, despite the city's large immigrant population.

I myself sent out a questionaire about the English language amendment late in 1982 to over 1 million of my constituents, that is, people who had written to me while I was in office. The responses to that questionaire resulted in more than a 96-percent vote in favor of such a constitutional amendment. This same questionaire was duplicated by its recipients, again by copying machine, not only in California, but in other States, especially Florida and Texas, as I learned when I started receiving hundreds of responses from outside my own State.

Now, despite the popularity of this issue among the general voting public, it is not quite so popular among those holding elected political office. Hispanic leaders have been especially loud in their demand for bilingual ballots and bilingual education. But it has seemed to me from the results of my own questionaire that Mexican American rank and file as well as other Latin American immigrants are not so different from other immigrants who have come to stay—they want to learn English, and their children to learn English, as quickly as possible in order to enter the mainstream of American life.

The bilingual, or foreign language, ballot, was introduced into American politics in 1975 through an amendment offered to the Voting Rights Act by former Congresswoman Barbara Jordan of Texas. The amendment was targeted specifically at the Mexican-American vote. However, as it was worded, it applied to other language groups, so that it was surprising that there was little or no national debate on this subject. The amendment, having survived a challenge in the House, was included without further debate in the Senate version and became law as part of the Voting Rights Act. It became law largely unnoticed by anybody except its proponents.

It is not unfair to say, then, that the amendment became law without becoming news, so that the general public first learned of its existence in the elections of 1976, when people went to the polls and were offered for the first time ballots in an American election printed in a foreign language. I have been told that on that day, the office of the registrar of voters in San Francisco received telephone calls all day long and all evening, asking why this was so.

Today, people in San Francisco have become used to seeing ballots and voter pamphlets in Spanish and Chinese, but many people, including especially naturalized citizens to whom English is not their native tongue, continue to be distressed or angry.

I would like to emphasize that this distress or anger does not arise from ethnic prejudice or hostility. What concerns most people is the open threat that foreign language ballots convey to our cherished idea of "one nation, indivisible."

Let me add a dimension of meaning to "one Nation, indivisible," by talking a minute or two about Japan. Japan, too, is "one nation, indivisible," but with one important difference. Japan is not only indivisible; it is also impenetrable. You simply have to be Japanese to start with to get anywhere in life. No immigrant or child of immigrants with a name like Hatch, Huddleston, Reagan, Stevens, Carter, or O'Neill, no matter how steeped since infancy in Japanese language and culture, can hope to achieve any position of importance, like police chief or principal of a high school or mayor of a city, to say nothing of being elected to the national diet. The best you can ever do is to become a comedian or a professional ballplayer.

An interesting fact about the impenetrability of Japanese society is that Koreans, who really cannot be distinguished from the Japanese in appearance, remain outsiders to Japanese society even after 8 or 10 generations after immigration. Few societies in the world are so impenetrable.

In contrast, the United States is an extraordinarily open society. Millions have come here from Europe. Millions have been brought here from Africa. And, despite earlier attempts at the exclusion of Orientals, millions of Asians have now come to our shores, and

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somehow, we welcome them all, often unwillingly at first, but ultimately taking them for granted as they adjust to our ways and learn our language and enter the mainstream of American life.

Nothing so clearly reveals the openness, the permeability, the strength of our society as reading a rollcall of those whom we elect to Congress as Senators and Representatives. Between Abdnor and Akaka at one end of the alphabet and Zablocki and Zeferetti at the other, there is a long pageant of names of men and women who had to learn English either in their grandparents' or parents' generation or in their own lifetime: Biaggi, Boschwitz, Caputo, de la Garza, Domenici, Fuqua, Gonzalez, Hammerschmidt, Hayakawa, Latta, Laxalt, Mikulski, Rostenkowski, Rousselot, Solarz, Tsongas—the list can go on and on.

These considerations compel me to ask, why do so many Hispanic political leaders push for bilingual ballots and bilingual education?

Of course, one should where possible preserve one's background heritage, but for all of us Americans transplanted here from another culture, that is our second task, not our first. Our first is to learn the language of America, the social imperatives of being an American, the attitudes and customs that shape the American personality, the behavior that makes a good American citizen. Much of this is learned in schools, in classes conducted in English. It is also learned in association with other children with other backgrounds. It is learned through participation in sports. It is also learned through the mass media, radio and television and movies. On top of this, most immigrant families teach something to their children about the language and culture of the country they came from. But the principal task of immigrant Poles in Buffalo, immigrant Germans in Milwaukee, immigrant Mexicans in Los Angeles, refugee Vietnamese in Arlington, VA, is to become Americans.

I beg to call attention to a report of the American Council of Education which says that: "Approximately 50 percent of Hispanic students drop out of high school. Only 7 percent of Hispanics in the United States finish college, compared to 12 percent for blacks and 23 percent for whites. Nearly 18 percent of Hispanics aged 25 and older are classified as functional illiterates, compared to 10 percent for blacks and 3 percent for whites."

Now, if my Hispanic friends in public life were to begin to agitate for more and better teaching of English to schoolchildren of Hispanic origin, I would gladly work as their ally and advocate to change for the better the figures I have quoted. Those figures are scandalous. But in my experience, much of the political energy on the part of the Hispanic politicians is going not toward the better teaching of English and the making of better American citizens, but toward getting more jobs for Spanish-speaking teachers.

In having one language that enables us to communicate across this huge continent, as well as with Hawaii, Alaska, and most of Canada, to say nothing of communication with Great Britain, Ireland, Australia, New Zealand, and much of South Africa, we are indeed fortunate.

Mr. Chairman, in the rest of the world, nations that have come into being as colonialism has receded often find themselves in big linguistic trouble. There are 365 languages and dialects in Indonesia, which was formerly the Dutch East Indies. This fact makes national government extremely difficult. The Government in Jakarta declared a widely used Malay dialect to be the national language, and they call it Indonesian; the national press is published in that language. That particular dialect of Malay, by the way, was a lingua franca for trade purposes. It had no class or religious or tribal connotations; it was like pidgin English in a way, or it was sort of a pidgin-Malay that people used for the purposes of trade among different tribes. Therefore, it was accepted. But even with the acceptance of this Indonesian Malay, it is still doubted that it is understood by half the people of that nation.

In Sri Lanka, formerly known as Ceylon, the people who speak Tamil, a language of immigrants from India, are in armed conflict against the speakers of Sinhalese, who are the principle and traditional inhabitants of that island. The President of Sri Lanka early in 1983 declared English to be the national language of Sri Lanka and told the speakers of Sinhalese and Tamil both to learn English as fast as they could so they could talk to each other and understand each other, as well as talk to the rest of the world. So far, there has been little success; they are still mad at each other.

When Mozambique ceased to be a Portuguese colony, it was left without an official language, since the new government did not want to speak in the language of their former colonial masters, namely, Portuguese. So, what language were they going to use to speak to each other? There are simply hundreds and hundreds of small dialects all over that huge country of Mozambique, and most of them speak languages that are incomprehensible to people of other tribes.

I understand that they are trying, with limited success, to make a national language of Swahili, which was the traditional lingua franca of the slave trade—but so far, their success has been quite limited.

So, around the world, there are people struggling in nations that do not have a common language and are yearning for one.

Let me give another example of language development. A most fascinating example, and one of the most fascinating in the world, is to be found in Singapore, where almost all the people are of Chinese descent. In their homes, they speak one or another of several Chinese dialects. But as soon as the children go to school, they are taught in English, and all their educational system is in English. That goes from elementary school onward, all the way through high school, college, and university. The wise Singaporeans, dependent as they are on international trade, being at a sort of crossroads of the world, have decided that their children, whether they grow up to be business men and women, scientists, diplomats, financiers, airline pilots, or educators, whatever they are going to become, will have the best chance of success in life if they are educated in English.

So I say to Hispanics, whether Puerto Ricans, Cubans, Mexicans, Central or South Americans, welcome into our midst. You have much to contribute to American culture, even as the many cultures of Europe, Asia, and Africa have done.

We in the organization, U.S. English, have a motto: "America—one Nation, indivisible, enriched by many cultures, united by a single tongue."

I rejoice in the richness of our multifaceted culture. I also rejoice in our oneness. Let us then continue to enrich our culture with contributions from those who come to live and work with us in this Nation. But let us protect and preserve our oneness by maintaining unbroken that linguistic chain that unites us as a culture and as a nation.

Thank you, Mr. Chairman.

[Material submitted for the record follows:]

PREPARED STATEMENT OF SENATOR S.I. HAYAKAWA

The drive for the constitutional amendment to make English the official language of the U.S. received a great boost just two weeks ago in the State of California. We had an initiative measure going which, if passed, would require the Governor of California to petition the President and the Congress of the United States to relieve the State of California from having to provide ballots and voter-information materials in languages other than English.

The deadline for turning in the 393,000 signatures necessary to qualify the measure for the November election was May 29. On that day the district chairmen and officers of our organization, Californians for Ballots in English, delivered to the registrars of voters at county seats throughout the State a total of 626,321 signatures.

The campaign to gather these signatures was begun in February 1984 so that we had less than four months in which to reach our goal. The signatures were collected by mail campaign, in which petition forms were sent out along with letters asking for financial contributions to sustain the drive. As money came in, more mailings were sent out.

What was noticeable about the responses to the mailings was, first, what seemed to us to be an extremely large number of small contributions, accompanied in many instances by letters from naturalized immigrant Americans expressing how much it had meant to them to learn English and become Americans.

Secondly, a remakable number of people made additional copies of their petition forms, which they took to their friends and neighbors and to their places of work in order to gather more signatures. Workers at shopping malls and in front of post offices reported that when passers-by say the placards, "Ballots in English", they stopped to sign the petitions at once without asking for further explanation. The speed with which we reached our goal indicates the deep desire of people, both old-line Americans and more recent immigrants, to vote in English as an expression of their identity as Americans.

Where did the opposition to "Ballots in English only" come from? Our experience in California has shown it coming from Hispanic spokesmen, although our petition forms against bilingual ballots show thousands of Hispanic names. Objections also came from one American-born Chinese, who does not read or write Chinese and calls himself chairman of "Chinese for

Affirmative Action". No objections were heard from the Chinese Six Companies, who are the traditional spokesmen for Chinese-American interests in San Francisco.

Speaking of the Chinese, I'd like to tell about a problem that has emerged. In San Francisco the translation of voter information was entrusted to educated Chinese scholars, who rendered the material into literary Chinese -- a classical style beyond the comprehension of the average voter. Clearly, what was needed was a translation of the translation, which no one offered to supply.

There has certainly been no demand for bilingual ballots from the Japanese, who today are predominantly English-speaking Nisei and Sansei -- the children and grandchildren of the original immigrants.

There are tens of thousands of Koreans in California. Most have come to the U.S. since World War II. Koreans are so eager to succeed in American terms that they would be the last to ask for ballots in their own language.

The Vietnamese are so glad to have found refuge in the U.S. that they too make no special demands of our culture, but ask instead what our culture requires of them. What is so admirable and touching about Vietnamese youngsters is the way in which they have excelled in their schoolwork, often being chosen as valedictorians at their high school graduations. Clearly, their parents have brought them up to study hard to become good citizens in the country that rescued them from death when, just a few years ago, they were fleeing from their conquered homeland.

The support of English Language Amendment is overwhelming. Last November in San Francisco we had a referendum, designated as Proposition O, which asked that our Mayor request the President and Congress to relieve us of the necessity of providing voting materials in foreign languages. It carried by almost a two-thirds majority, despite the city's large immigrant population.

A questionaire about the English Language Amendment sent out late in 1982 to over a million of my constituents -- people who hav written to me while I was in office -- resulted in more than a 96 % vote in favor. This same questionaire was duplicated by its recepients by copying machine not only in California, but in other states, especially Florida and Texas, as I learned when I started receiving hundreds of responses from outside this state.

Despite the popularity of the issue among the general voting public, it is not quite so popular among those holding elective political office. Politicians are often fearful of a strong vote against them from an ethnic minority, and Hispanic leaders have been especially loud in their demand for bilingual ballots and bilingual education. But it has seemed to me from the results of my own questionaire that Mexican-American rank-and-file as well as other Latin immigrants are not different from other immigrants who have come to stay: they want to learn English, and their children to learn English, as quickly as possible inorder to enter the mainstream of American life.

The bilingual, or foreign-language, ballot was introduced into American politics in 1975 through an amendment offered to the Voting Rights Act by former Congresswoman Barbara Jordan of Texas. The amendment was targeted speciafically at the Mexican_American vote. However, as it was worded, it applied to other language groups, so that it is surprising that there was little or no antional debate on the subject. The amendment, having survived a challeng in the House, was included without further debate in the Senate and became law as part of the Voting Rights Act -- largely unnoticed. It is not unfair to say then that the amendment became law without becoming news, so that the general public first learned of its existence in the elections of 1976, when people went to the polls and were offered for the first time ballots in an American ilection printed in a foreign language. I have been told that on that day the office of the Registrar of Voters in San Francisco received thelephone calls all day and all evening asking why.

Today, people in San Francisco have become used to seeing ballots and voter pamphlets in Spanish and Chinese. But many people, including especially naturalized citizens to whom English is not their native tongue, continue to be distressed or angry.

This destress and anger, I wish to emphasiye, do not arise from ethnic prejudice or hostility. What concerns most people is the open threat that foreign language ballots convey to our cherished idea of "one nation, indivisible".

Let me add a dimension of meaning to "one nation, indivisible" by talking a few moments about Japan. Japan, too, is "one nation, indivisible", but with one important difference. Japan is not only indivisible; it is also impenetrable. You simply have to be Japanese to start with to get anywhere in Japan. No immigrant with a name like Hatch or Huddeston or Reagan or Stevens or Carter or O'Neill, no matter how steeped since infancy in Japanese culture, can hope to achieve any position of importance, like police chief or proncipal of a high school or mayor of a city, to say nothing of being elected to the national Diet. Koreans, who cannot be distinguished in appearance from Japanese, remain outsiders to Japanese society eight or ten generations after immigration. Few societies in the world are as impenetrable.

In contrast, the United States is an ectraordinarily open society. Millions have come here from Europe. Millions have been brought here from Africa. Despite earlier attempts at the exclusion of Orientals, millions of Asians have now come to our shores. And somehow we welcome them all, often unwillingly at first, but ultimately taking them for granted as they adjust to our ways and learn our language and enter the mainstream of American life.

Nothein so learly reveals the openness, the permeability, the strength of our society as reading a roll call of those whom we elect to Congress as Senators and Representatives. Between Abdnor and Akaka at one end of alphabet and Zablocke and Zeffretti at the other, there is a long pageant of names of men and women who had to learn English either in their grandparents' or parents' generation or in their own earlier life. Biaggi, Caputo, Boschwitz, de la Garza, Domenici, Fuqua, Gonzales, Hammerschmidt, Hayckawa, Latta, Laxalt, Mikulski, Rostenkowski, Rousselot, Solarz, Tsongas -- the list can go on and on.

All these considerations compel me to ask, why do so many Hispanic political leaders push for bilingual ballots and bilingual education? Of course one should where possible preserve one's background heritage, but for all of us Americans transplanted here from another culture, that is our second task, not our first. Our first is to learn the language of America, the social imperatives of being an American, the attitudes and customs that shape the American personality, the behavior that makes a good American citizen. Much of this is learned in schools -- in classes conducted in English. It is also learned in association with otehr children with other backgrounds. It is learned through participation in sports. It is also learned through the mass media -- radio and television and movies. On top of all this, most immigrant families teach something to their children about the language and culture of the country they came from. But the principal task of immigrant Poles in Buffalo, immigrant Germans in Milwaukee, immigrant Mexicans in Los Angeles, refugee Vietnamese in Arlington, VA, is to become Americans.

I beg to call attention to a report of the American Council of Education which says that:

> "Approximately 50 % of Hispanic students drop out of high school.
>
> "Only 7 % of Hispanics in the United States finish college, compared to 12 % for blacks and 23 % for whites.
>
> "Nearly 18 % of Hispanics aged 25 and older are classified as functional illiterates, compares to 10 % of blacks and 3 % of whites."

If my Hispanic friends in public life were to begin agitate for more and better teaching of English to school children of Hispanic origin. I would gladly work as their ally and advocate to change for the better the figures I have quoted. But in my experience much of the political energy on the part of Hispanics is going not towards the better teaching of English, but towards getting more jobs for Spanish-speaking teachers.

In having one language that enables us to communicate across this huage continent, as well as with Hawaii and Alaska and most of Canada, to say nothing of Grat Britain, Ireland, Australia, New Zealand and much of South Africa, we are indeed fortunate.

In the rest of the world nations that have come into being as colonialism has receded often find themselves in big linguistic trouble. There are 365 languages and dialects in Indonesia, I am told, which fact makes national government extremely difficult. The government in Jakarka declared a widely-used Malay dialect to be national language, calling it Indonesian, and the national press is published in that language. But still it is doubted that it is understood by half the people of that nation.

In Sri Lanka (formerly Ceylon) the people who speak Tamil, a language of immigrants from India, are in armed conflict against the speakers of Sinhalese, who are the earlier inhabitants of the island. The President declared English to be the national language early in 1983, so that speakers of Sinhalese and Tamil could learn English and begin to speak to each other and also to communicate with the rest of the world. But the fighting goes on.

When Mozambique ceased to be Portuguese colony, it was left without an offical language, since the new government did not want to speak in the language of their former colonial masters. However, these are hundreds of isolated tribes in that huge nation, most of them speaking languages incomprehensible to other tribes. I understand they are trying, with limited success, to make a national language of Swahili, the traditional *lingua franca* of the slave trade -- so far with limited success.

A fascinating example of language development is to be found in Singapore, where almost all the people are of Chinese descent and speak one of several Chinese dialects in teh home, but get all their schooling, from elementary school onward, by parental choice, in English. The wise Singaporeans, dependent as they are on international trade, have decided that their children, whether they grow up to be business men and women, scientists, diplomats, financiers, airline pilots, or educators, will have the best chances of success in life speaking English.

So I say to the Hispanics -- whether Puerto Ricans, Cubans, Mexicans, Central or South Americans -- welcome into our midst. You have much to contribute to American culture, eveen as the many cultures of Wurope and Asia and Africa have done.

We in the organization U.S.English have a motto: "America -- one nation indevisible; enriched by many cultures, united by a single tongue". I rejoice in the richness of our multi-faceted culture. I also rejoice in our oneness. Let us continue to enrich our culture with contributions from those who come to live and work in this nation. But let us protect and preserve our oneness by maintaining unbroken that linguistic chain that unites us as a culture and as a nation.

"We, the People of the United States, in order to form a more perfect Union..."

US ENGLISH
P.O. Box 881626
San Francisco, California
94188-1626

Sen. S.I. Hayakawa
Honorary Chairman

John Tanton, MD
Chairman

Gerda Bikales
Executive Director

Dear Friend:

During the six years that I served as a United States Senator, I realized that our country was heading toward a crisis that no one seemed willing to address. We have unwisely embarked upon a policy of so-called "bilingualism," putting foreign languages in competition with our own. English has long been the main unifying force of the American people. But now prolonged bilingual education in public schools and multilingual ballots threaten to divide us along language lines.

In 1981, I introduced a Constitutional amendment to make English the official language of the United States. I was immediately deluged with thousands of letters from people all across the country who offered support. Unfortunately, no organization existed to which I could refer these people, and therefore, much of the potential for citizen action was lost.

Having retired from the Senate, I am now helping to launch the needed national public interest organization that will work to establish English as our official language. We're calling it U.S.English. Its purpose will be to restore the English-only ballot, and to limit bilingual education to a transitional role. (We also want our English-speaking students to become fluent in foreign languages -- but that's another matter).

Dr. John Tanton, a practicing physician and well-known leader of many civic causes, will be working closely with me. Dr. Tanton is highly experienced in heading such organizations. I am confident that under his leadership U.S.English will soon grow into a powerful countervailing force to the special interest groups pressing for language separatism.

Please join me in this important endeavor. Help us put together the money needed to wage a vigorous campaign to restore English to its rightful place as the language of all Americans. I hope you can make a generous contribution that will decisively speed up our development. All contributions are fully tax-deductible.

We have enough problems as a nation, without having to talk through an interpreter. We can still reverse our misguided course, and secure for ourselves and our children the blessings of a common language. It's not too late -- if you will help.

Most sincerely,

S.I. Hayakawa

S. I. Hayakawa

(Please read the enclosed newspaper article)

Commentary S.F. Sunday Examiner & Chronicle Mar. 20, 1983 *** B9

Guy Wright / *U.S. English*

At last we have a national organization to combat the misnamed bilingual movement.

U.S. English, nonprofit and tax-deductible, has opened shop at 1424 16th St. N.W., Washington, D.C., 20036, and welcomes to membership "all who agree that English is and must remain the only official language of the people of the United States."

Or, to put it another way, it will try to speak for those who don't want to see this English-speaking nation turned into a poly-lingual babel.

Former Sen. S.I. Hayakawa, who fought this battle almost alone while in Congress, is honorary chairman of U.S. English.

Chairman is Dr. John H. Tanton, a Michigan physician whose years of concern about population trends and immigration — he founded the Federation for American Immigration Reform — led him to embrace this kindred cause.

"With an organizational structure in place, we may at last be able to gain some ground," he said.

It is none too soon. Although there is virtually no public support for the proposition that this country should conduct its affairs in foreign languages for the convenience of those who don't want to learn English, the ethnic leaders pressing that demand are highly organized and single-minded, and they have won every skirmish so far against the disorganized opposition of a general public with many other worries.

Until a few years ago there was no problem. It was taken for granted that anyone who wanted to share in the benefits of American citizenship should learn English. Even today most immigrants realize the value of knowing English and are eager to learn — witness the packed newcomer classes.

The resistance comes from leaders of ethnic blocs, mostly Hispanic, who reject the melting-pot concept, resist assimilation as a betrayal of their ancestral culture and demand government funding to maintain their ethnic institutions.

We have seen the fruits of their victories. Laws now require multilingual ballots and voting aids, and tax money pays for voter registration campaigns aimed solely at those who will vote in a foreign language.

As for bilingual education, it has fallen into the hands of people less interested in building a bridge to help immigrant children learn English than in building a bridgehead within the school system for foreign language pressure groups.

This anti-assimilation movement (a more accurate name than bilingualism) comes at a time when the United States is receiving the largest wave of immigration in its history. This influx strains our facilities for assimilation and provides fertile ground for those who would like to turn language minorities into permanent power blocs.

To combat those forces, U.S. English offers this program:

- Adopt a constitutional ammendment to establish English as the official language of the United States.
- Repeal laws mandating multilingual ballots and voting materials.
- Restrict governnment funding for bilingual education to short-term transitional programs only.
- Control immigration so that it does not reinforce trends toward language segregation.

U.S. English is no refuge for red-necked chauvinists. Among its guiding principles it says:

"The study of foreign languages should be encouraged" and "the rights of individuals and groups to use other languages must be respected."

But it also says: "In a pluralistic nation such as ours, government should foster the similarities that unite us, rather than the differences that separate us."

Amen.

For the public response to this article, see the other side.

S.F. EXAMINER • Mon., Mar. 28, 1983

Guy Wright / *Speaking English*

MR. WRIGHT: I have just written to U.S. English, saying, "Thank you, thank you, thank you." And now I want to thank you, too, for telling your readers about it. I have lived and worked abroad. Now I live in the Mission District of San Francisco and also work here. If I did not realize before the importance of a common language, I certainly have learned it over and over again in the past four years. — Vivian H. Azadian.

U.S. English, 1424 16th St. N.W., Washington, D.C., 20036, is the new national orgaization formed to combat the divisive bilingual movement.

MR. WRIGHT: Thank you for printing the name and address of this new and essential organization to combat the insidious pressure from ethnic groups to displace English as our national language. I will join immediately and urge others to join. — Azalene E. Lowe.

We needed something like U.S. English, because the bilingual movement is highly organized.

MR. WRIGHT: I was delighted to read your article about U.S. English and have written to them to inquire about membership. Just thinking about the nonsense of bilingual ballots got me so riled up again that I fired off an insulting letter to Congressman Don Edwards of San Jose, who, as I recall, had much to do with instituting the bilingual mess. — Doran D. Emerson.

Edwards has used his power as chairman of the relevant congressional subcommittee to push biligual voting and to hobble its opponents.

MR. WRIGHT: I applaud your column, former U.S. Sen. S. I. Hayakawa and Dr. John H. Tanton. I find it distressing that we have to fight this battle at all. The Declaration of Independence, the Constitution, the Bill of Rights, the Pledge of Allegiance (and on and on) are in English. Are these not clear enough as to our official language? — David A. Hansen.

That's Chief Hansen of the Daly City Police Department. Sen. Hayakawa is honorary chairman of U.S. English, and Dr. Tanton is chairman.

MR. WRIGHT: Your article announcing formation of U.S. English could not have worded it better about the bad effects of the bilingual movement. My friends and I all feel the same way. It's high time the government did something. — M.C.A.

It won't be an easy battle. The bilingualists have their people in the key posts. But now that we have a GHQ, we have a fighting chance.

MR. WRIGHT: As an immigrant who came here and set about acquiring a use of the national language, English, I couldn't agree more. I tell my students that if there is one factor that has kept this country a *United* States, it is the use of English — perhaps not always the King's version, but even if spoken with an accent it enables us to understand one another. I fully agree: "English is and must remain the only official language of the people of the United States." — E. F.

A constitutional amendment to that effect is the goal of U.S. English.

MR. RITE: I agree witcha bout thems imygrent guys not noing how to talk English good. They ain't got no bizness talkin' funny and not noing how to reed and rite. We Amerikens gotta stik two-gether and remember our motto werever we go in the world: Talk English. — Bill Callahan.

Good spoof, but it evades the point. We aren't telling the rest of the world what to speak. But those who come here to live should accept English as the language of citizenship.

"We, the People of the United States, in Order to form a more perfect Union..."

US ENGLISH

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September 27, 1984

Mrs. Marion M. Faldet
The Spencer Foundation
875 North Michigan Avenue
Chicago, IL 60611

Dear Mrs. Faldet:

One of the most serious dilemmas facing us today is how to preserve America's culture -- its traditional language and civic values -- without imposing rigid cultural standards and controls.

The protection of our common language has become a hotly debated public issue. It is likely that legislation of some type will eventually be enacted.

As the controversy has grown, it has also become apparent that there is a serious void in constitutional scholarship on this issue, which inhibits the search for reasonable solutions. There are few judicial precedents to go by, and no agreement on their relevance today. The literature yields no current treatment of this subject area.

As Senator Walter Huddleston has pointed out in the attached letter, there is an urgent need to commission scholarly work and to convene an academic colloquium to guide the national effort on the preservation of English.

With the assistance of experts at the Library of Congress, we have assembled a list of the most eminent constitutional scholars in the country. One of these, Professor Albert Blaustein of Rutgers University Law School, is already working under contract with U.S.ENGLISH on a comparative study of language policies in the world's constitutions. Several other scholars have indicated an interest in undertaking an examination of various other aspects of the issue: how can we best protect our language and our civic culture, within a framework of respect for individual rights?

As Senator Huddleston has indicated, this presents a historic opportunity to make a lasting contribution to future generations.

My colleagues and I would be pleased to discuss this project further with you, and we look forward to hearing from you.

Sincerely,

S.I. Hayakawa

S.I. Hayakawa, Ph.D.
Honorary Chairman

P.S. U.S.ENGLISH is a project of U.S., Inc., a tax-exempt 501(c)3 organization. A copy of our tax letter is enclosed.

Board of Directors: S.I. Hayakawa, Ph.D., *Honorary Chairman*; John Tanton, M.D., *Chairman*; Stanley Diamond, Leo Sorensen; Gerda Bikales, *Executive Director*

Senator HATCH. Thank you, Senator Hayakawa, for your fine statement.

Let me ask you this. What do you hope to accomplish with this constitutional amendment that, really, you cannot accomplish with the amendment that you put into the immigration bill?

Mr. HAYAKAWA. Well, one thing it would do would be to beef up the language test that the Immigration and Naturalization Service people give to immigrants who are trying to be naturalized. I have had so many complaints from people who have been naturalized and said that their English language test was so perfunctory that they felt that they had wasted a couple of years studying for that examination and were not really examined at all.

Senator HATCH. Let me just give you a few of the current laws we have on the books, and I would like to ask you whether they would be allowed to remain in operation after this amendment is in place.

Take 8 U.S.C. 1224, which would require use by Government agents of interpreters in the physical and mental examination of alien immigrants seeking entry into the United States.

Do you think that would still be constitutional?

Mr. HAYAKAWA. I think it would. They are seeking entry. They are not seeking naturalization.

Senator HATCH. Yes, seeking entry into the United States.

Mr. HAYAKAWA. Yes, I think that is perfectly legitimate.

Senator HATCH. 28 U.S.C. 1827, I mentioned before. That would require the administrative office of the U.S. courts to establish a program making interpreters available to parties in Federal civil cases who do not speak English.

Do you think that would be maintained as constitutional?

Mr. HAYAKAWA. I think it would.

Senator HATCH. 28 U.S.C. 1608, requires service of judicial process upon a foreign state to be accompanied by a translation into the official language of that foreign state.

Do you think that would still be constitutional?

Mr. HAYAKAWA. How does that work, again?

Senator HATCH. It would require service of a judicial process upon a foreign state to be accompanied by a translation of that process for that foreign state.

Do you think that would continue to be constitutional?

Mr. HAYAKAWA. I think so. That is, when you are serving——

Senator HATCH. Whenever you are serving legal process on another country.

Mr. HAYAKAWA. Yes, of course, I would think so. That would be only courteous, wouldn't it?

Senator HATCH. It would be mainly for purposes of expedition, it would seem to me.

Mr. HAYAKAWA. Yes, I should think so. If you are serving a notice to another country, a judicial notice to another country, it would simply be not only more efficient, but certainly, simple courtesy would require that, I should think.

Senator HATCH. 42 U.S.C. 254 and 4577, require use of foreign language personnel in connection with federally funded migrant and community health centers, as well as federally funded alcohol abuse and treatment programs which would serve a substantial number of non-English-speaking persons. How how do you think these laws would be affected? This is a little tougher question. Due process under the Constitution might protect the earlier statutes I mentioned. But what about requiring use of the appropriate foreign language in migrant and community health centers, as well as the alcohol abuse and treatment programs which provide services to a substantial number of non-English-speaking people?

Mr. HAYAKAWA. Well, it would seem to me that there would be no constitutional barrier to this, since this is a matter of public health and public safety, to take care of their health—and if a community could afford it, I would think that it should be done. But we must be very, very——

Senator HATCH. What if the community cannot afford it, but the Federal Government requires it?

Mr. HAYAKAWA. Well, this is a pretty affluent culture. We can afford an awful lot of things, can't we?

Senator HATCH. I am not quite sure you answered my question, Senator. But, not wanting to jostle with semantics with you, I think I will just accept it. [Laughter.]

Mr. HAYAKAWA. How far does one go in this?

Senator HATCH. Well, that is one of the questions. I think that is one of the questions your amendment raises. Haven't we gone to almost ridiculous ends to have bilingual education, bilingual programs——

Mr. HAYAKAWA. It would make sense, for example, along our border with Mexico, if there are a large number of Mexican immigrants who have those problems with whatever, alcoholism, or whatever the problems are—that is one thing. But supposing you have isolated immigrants in small groups, speaking dozens of different languages, let us say, American Indian languages, that nobody around can understand. Do you have to supply them for everybody? Is there a limit to the number of people you have to have as patients in order to qualify for a staff member speaking that language?

Senator HATCH. You seem to be advocating a rule of reason in this matter, which some people do not feel exists today, and that is why they support your amendment.

Let me throw another one out, which is even more difficult: 42 U.S. Code 1973, that is, the Voting Rights Act, requires bilingual ballots in any jurisdiction in which more than 5 percent of the voting age residents are members of a language minority as defined by the act. How do you think that would be affected by this amendment?

Mr. HAYAKAWA. Well, I would like to have that thrown out altogether.

The problem with that is that it is extremely difficult to administer. How do you tell from a census report, going by surnames of the different families in a voting district, whether or not people named Hayakawa or Inouye or Matsunaga are English speaking or not? Maybe they just speak Japanese.

Or, as in this case, they may not speak Japanese. But actually, what has happened in California repeatedly is that because they found, let us say, 5,000 Mexican names or supposedly Mexican names, in a district, they will print 5,000 Spanish language ballots for them, and found that only 50 of them were requested, because most of those families had been Monterey or Salinas for two or three generations.

Senator HATCH. You can perhaps anticipate my problem. You have stated your intent to overturn some statutes while preserving others. My problem is, what is the judicial standard; what would be the standard to determine which current laws dealing with language would be overturned by this proposed amendment and which would be preserved?

Mr. HAYAKAWA. That law would become inoperative completely, because if English is the official language of the United States, conducting an election is official business, and it would be conducted in English. And therefore, you would not need the so-called bilingual ballots at all.

Senator HATCH. Let me, in the interest of time, submit some questions to you, and I may submit them to all witnesses, especially to you and Senator Huddleston, so that we can build the record pertaining to this constitutional amendment.

I just want to tell you how much I appreciate having you here today and seeing you once again. We certainly miss you here in the U.S. Senate. But you get up here once in a while, and we are glad to see you, especially on this issue. I know this issue means a lot to you.

Mr. HAYAKAWA. Thank you, Senator Hatch.

Senator HATCH. Thank you, Senator Hayakawa, personally.

Our next witness will be Congressman Norman D. Shumway, who is a U.S. Congressman from California, and I wonder if I could call to the table also the Honorable Baltasar Corrada, who is a U.S. Congressman from Puerto Rico, and who is with the Congressional Hispanic Caucus, and we will, of course, take you in that order.

Congressman Shumway, let us hear your statement first.

STATEMENT OF HON. NORMAN D. SHUMWAY, A U.S. REPRESENTATIVE FROM THE STATE OF CALIFORNIA, AND HON. BALTASAR CORRADA, A RESIDENT COMMISSIONER FROM PUERTO RICO

Mr. SHUMWAY. Thank you, Mr. Chairman.

I appreciate the opportunity to appear before your subcommittee this morning and share my views on this very important subject. As you have indicated, I am the author of a similar amendment which is pending in the House of Representatives, known as House Joint Resolution 169, and consequently, I have given a great deal of attention to this subject; I am very concerned with the trend in recent years toward the official recognition of languages other than English in America and with the impact of the growing number of Government-sponsored bilingual programs and issues which these bills are designed to address.

And I have been delighted to note that there has been increasing attention to this subject, and I believe there is a developing trend in America for widespread grassroots support. I am encouraged that this attention and support will give us a great deal of momentum as we discuss this important issue here in the Congress.

By officially designating English as the official language of the United States, this proposed amendment would provide the measure of legal protection to our common language which it is currently afforded only through custom. I believe such protection is fitting and proper for the language which has been for over two centuries one of our Nation's strongest unifying forces. The United States has always prided itself on the national unity it has achieved despite the ethnic, religious, and cultural diversity of our Nation. It is therefore past time, in my view, that the importance of the English language, and the contribution our common tongue has made to our social cohesion and political stability, be officially recognized.

The subcommittee has already heard examples of the potentially divisive nature of language in society. Problems that exist in Canada, in Belgium, in Sri Lanka, and in India, as a result of their respective bilingual/bicultural policies, Mr. Chairman, should provide the United States with some valuable lessons, ones that we should take to heart and not repeat in our own country.

I have been concerned in the last 10 to 20 years about what appears to me to be a trend toward Government-sponsored bilingualism in America and the implications of those policies. While few would deny that mastery of English is vital to our Nation's immigrants becoming full and participating members of society, official policies such as those that recognize other languages as the accepted language of the ballot box, and as a legitimate means of instruction in our schools, as well as official non-English documents available for food stamp and welfare applications, drivers license examinations, and consumer complaint questionnaires, to name just a few, may actually hinder the learning of English in our country.

It seems to me, therefore, Mr. Chairman, that when we discourage proficiency in English, we are enhancing those dissimilarities between immigrants and the mainstream of American life, thereby inhibiting the vital process the vital acculteration that must occur.

The English language amendment which I have introduced, therefore, seeks not only to provide a needed measure of legal protection to the English language but to halt the trend toward Government policies which actively promote languages other than English, while clarifying many of the contradictory signals which our Government now sends to the linguistic minorities in this Nation.

The U.S. naturalization laws, for example, require competency in English as a precondition of U.S. citizenship. However, Federal law since 1975 has required that people of limited English proficiency who vote, and thus who exercise the highest privilege of U.S. citizenship, be provided with ballots in their native language. My proposed amendment would put an end to the use of multilingual ballots, thereby reversing one of the many Government-sanctioned programs which do not encourage competency in English and reaffirming that proficiency in English is essential to full participation in our Nation's democracy.

Another application of this amendment would be in our Nation's schools. For almost a decade, we have highlighted bilingual education as the method for increasing limited-English proficient [LEP] students' proficiency in English. This approach was essentially institutionalized by the Federal Government in 1975, when the Department of Health, Education, and Welfare [HEW] developed guidelines known as the Lau remedies, which require local school districts to provide instruction for LEP students in their native language as a precondition of eligibility for Federal funds. In the process, Mr. Chairman, bilingual education appears to have become an end in itself, rather than the means for immigrants to become full and participating members of American society, and has served all too frequently to impede the learning of English.

Certainly, we have an obligation to provide language assistance to our Nation's LEP population, particularly given the large numbers of immigrants and refugees coming into this country speaking little if any English. This amendment would not preclude our doing so. It would, however, change the focus of bilingual education programs. This amendment would not eliminate the use of bilingual education, but it would restore emphasis on its use as a transitional instructional tool, rather than as an end in and of itself, and would give local school districts more flexibility and more discretion to utilize other approaches which meet the unique needs and circumstances of their LEP students.

Government-sponsored programs such as multilingual ballots and bilingual education, while well intentioned, have become linguistic barriers which impede the process of assimilation of our Nation's growing immigrant population. Such programs are truly a disservice to America's immigrants for they essentially tell our Nation's newcomers that proficiency in English is not vital to their full participation in society. Clearly, Mr. Chairman, proficiency in English is essential to education, professional and social opportunities for America's immigrants.

As Senator Hayakawa stated in another appearance, and I think, summarized it very well: "The language we share is at the core of our identity as citizens, and our ticket to full participation in American political life. We can speak any language we want at the dinner table, but English is the language of our public discourse, of the marketplace, and of the voting booth." This remark, Mr. Chairman, underscores possibly the most important goal of the amendment—to make clear to immigrant parents and children alike that mastery of English is indispensable for one becoming a full member of American society.

Before closing, I would like to just point out a couple of things that this amendment would not do, because I know it has been criticized from that vantage point, as well.

This amendment, for example, in no way seeks to discourage the study of foreign languages in the United States. Very clearly, competency in languages in addition to English is essential in today's interdependent world, and the amendment would not prohibit or discourage the teaching of those languages in schools or colleges, nor would it prohibit foreign language requirements in academic institutions.

Furthermore, the amendment addresses the mandatory use of foreign languages in the official business of the United States, not the private use of languages other than English. The proposed amendment in no way seeks to discourage the use of foreign languages in private contexts, such as homes, churches, private organizations, commerce, and private schools.

Mr. Chairman, in closing, let me stress that the English language amendment should by no means be construed as a betrayal of the diverse cultures which make up our great Nation. America has been immeasurably enriched by the cultural diversity of our society, and thus it is vital that this diverse cultural tradition be preserved. I would submit, however, that our common language has been a powerful factor in forging strength and unity from such diversity. It is therefore vital that we put an end to shortsighted Government-sponsored programs which discourage proficiency in English and which tragically serve to keep many of our Nation's linguistic minorities on the fringes of America's English-speaking mainstream. The English language amendment is an important step in the right direction.

Thank you.

[Material submitted for the record follows:]

PREPARED STATEMENT OF NORMAN D. SHUMWAY

Mr. Chairman, I appreciate having the opportunity this morning to share my views with you and members of the Senate Judiciary subcommittee on the constitution regarding Senate Joint Resolution 167, a constitutional amendment designating English the official language of the United States. As the chief sponsor of a similar amendment (H.J.Res. 169) in the House of Representatives, I am deeply concerned with the trend in recent years towards the offical recognition of languages other than English in America and with the growing number of government-sponsored bilingual programs which, in my view, are impeding the learning of English by our nation's immigrants.

The English Language Amendment (ELA), initially introduced by former Senator S. I. Hayakawa, has gained increasing attention in recent years and enjoys widespread grassroots support. Letters I have received and comments I have heard from talkshows I have participated in enthusiastically support the ELA. These remarks, from teachers, parents, second generation Americans, and immigrants themselves, powerfully reaffirm my belief that this amendment reflects the views of many Americans: English is and must remain our only national language.

By officially designating English as the official language of the U.S., the ELA would provide the measure of legal protection to our common language which it is currently afforded through custom only. I believe such protection is fitting and proper for the language which has been for over two centuries one of our nation's strongest unifying forces. The U.S. has always prided itself on the national unity it has achieved despite the ethnic, religious, and cultural diversity of our nation. Mr. Chairman, it is therefore past time that the importance of the English language, and the contribution our common tongue has made to our social cohesion and political stability, be officially recognized.

Examples of the potentially divisive nature of language in society are all too prevalent throughout the world. Canada, which has a policy of two official languages, is confronted with calls for seccession by the country's French-speaking citizens; linguistic divisions can be seen in Belgium between the French-speaking Walloons and the Dutch-speaking Flemish population; and, in Sri Lanka, the tragic conflict between the Tamil-speaking minority and the Sinahala-speaking majority has resulted in the loss of innumerable lives over the years. Clearly, our nation can learn some valuable lessons from the problems these countries have experienced as a result of their respective bilingual/bicultural policies.

Mr. Chairman, it is vital that the U.S. not retrace the dangerous paths taken by these nations. I am therefore troubled by the trend toward government-sponsored bilingualism in America and the implications of such policies. While few would deny that mastery of English is vital to our nation's immigrants becoming full and participating members of society, official policies, such as those that recognize other languages as the accepted language of the ballot box and as a legitimate means of instruction, as well as offical non-English documents, available for food stamp and welfare applications, drivers license examinations, and consumer complaint questionnaires, to name just a few, may actually hinder the learning of English. Rather than encouraging the adaptation of immigrants to the speech and customs of their new homeland, government-sanctioned programs, such as multilingual ballots and bilingual education, serve to discourage proficiency in English and to enhance dissimilarities between immigrants and the mainstream of American life, thereby inhibiting the process of acculteration.

The English Language Amendment I have introduced, therefore, seeks not only to provide a needed measure of legal protection to the English language but to halt the trend towards government policies which actively promote languages other than English while clarifying many of the contradictory signals which our government is sending to our nation's linguistic minorities. United States naturalization laws, for example, require competency in English as a precondition of U.S. citizenship. However, federal law since 1975 has required that people of limited English proficiency who vote, and thus who exercise the highest privilege of U.S. citizenship, be provided with ballots in their native language. The ELA would put an end to the use of multilingual ballots, thereby reversing one of the many government-sanctioned programs which do not encourage competency in English and reaffirming that proficiency in English is essential to full participation in our nation's democracy.

Another welcome application of the ELA would be in our nation's schools. For almost a decade we have highlighted bilingual education as the method for increasing limited English proficient (LEP) students' proficiency in English. This approach was essentially institutionalized by the federal government in 1975 when the Department of Health, Education and Welfare developed guidelines, the "Lau remedies," which require local school districts to provide instruction for LEP students in their native language as a precondition of eligibility for federal funds. In my view, bilingual education appears to have become an end in itself, rather than the means for immigrants to become full and participating members of American society, and has served all too frequently to impede the learning of English and to maintain a separate language and culture.

Certainly we have an obligation to provide language assistance to our nation's LEP population, particularly given the large numbers of immigrants and refugees coming to the U.S. speaking little if any English; this amendment would not preclude our doing so. The amendment would, however, change the focus of bilingual education programs. While the ELA would not eliminate the use of bilingual education, it would restore emphasis on its use as a transitional instructional tool and would give local school districts more flexibility to utilize a broader range of approaches which best meet not only the unique needs and circumstances of their LEP students, but which meet their budget priorities as well.

In my view, Mr. Chairman, government-sponsored programs such as multilingual ballots and bilingual education, while well-intentioned, have become linguistic barriers which impede the process of assimilation of our nation's growing immigrant population. Such programs are truly a great disservice to America's immigrants for they essentially tell our nation's newcomers that proficiency in English is not vital to their full participation in society. I would submit, however, that nothing could be further from the truth. How can we expect our nation's linguistic minorities to become involved and productive members of society if they are unable to speak the language of their new homeland? Clearly, proficiency in English is essential to educational, professional and social opportunities for America's immigrants. As Senator Hayakawa has stated in the past, "The language we share is at the core of our identity as citizens, and our ticket to full participation in American political life. We can speak any language we want at the dinner table, but English is the language of public discourse, of the marketplace, and of the voting booth." This remark underscores possibly the most important goal of the ELA -- to make clear to immigrant parents and children alike that mastery of English is indispensible for becoming a full member of American society.

While it is important to consider what the ELA would do, it is equally vital to note what the proposed amendment would not do. While critics of the ELA may consider the amendment to represent a xenophobic and nativistic call for monolingualism in America, the ELA in no way seeks to discourage the study of foreign languages in the United States. Clearly, competency in languages in addition to English is essential in today's interdependent world and the ELA would not prohibit or discourage the teaching of foreign languages in public schools or colleges nor would it prohibit foreign language requirements in academic institutions.

Furthermore, the ELA addresses the mandatory use of foreign languages in the offical business of the U.S. not the private use of languages other than English. This proposed amendment in no way seeks to discourage the use of foreign languages in private contexts, such as homes, churches, private organizations, commerce and private schools.

Mr. Chairman, let me stress in closing that the ELA should by no means be construed as a betrayal of the diverse cultures which make up our great nation. America has been immeasurably enriched by the cultural diversity of our society and thus it is vital that this diverse cultural tradition be preserved. I would submit, though, that our common language has been a powerful factor in forging strength and unity from such diversity. It is therefore vital that we put an end to short-sighted government-sponsored programs which discourage proficiency in English and which tragically serve to keep many of our nation's linguistic minorities on the fringes of America's English-speaking mainstream. The ELA is an important step in the right direction.

March 2, 1983 CONGRESSIONAL RECORD — *Extensions of Remarks* E 751

PROPOSED CONSTITUTIONAL AMENDMENT

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 2, 1983

● Mr. SHUMWAY. Mr. Speaker, today I am proposing an amendment to the Constitution of the United States which designates English as the official language of the United States.

I share the view of many Americans that English must remain our only national language, and that the Federal Government should not encourage the use of others. I firmly believe that the linguistic minority groups in our Nation must learn English if they are to become fully integrated into American society. It is time for the Federal Government to stop sending conflicting signals to the non-English-speaking people in America. The United States has, for example, laws which on the one hand require a bilingual ballot for those who do not read English, and naturalization laws, on the other hand, which state that a person must "read, write and speak English in ordinary usage" to become a U.S. citizen.

This resolution, identical to House Joint Resolution 443 introduced in the 97th Congress by the Honorable Robert Dornan, will stop the use of the bilingual ballot, will allow the instruction in English in non-English-languages for the purpose of making students proficient in English, and will end the use of foreign languages in subject-matter instruction.

It is important to note that this resolution does not seek to discourage the use of any language for religious or ceremonial purposes, for domestic use, or for the preservation of ancestral cultures, nor does the bill affect the teaching of foreign languages to American students.

The text of the bill is as follows:

That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid as a part of the Constitution if ratified by the legislatures of three-fourths of the several States:

ARTICLE —

SECTION 1. The English language shall be the official language of the United States.

SECTION 2. Neither the United States nor any State shall require, by law, ordinance, regulation, order, decree, program, or policy, the use in the United States of any language other than English.

SECTION 3. This article shall not prohibit any law, ordinance, regulation, order, decree, program, or policy requiring educational instruction in a language other than English for the purpose of making students who use a language other than English proficient in English.

SECTION 4. The Congress and the States may enforce this article by appropriate legislation.●

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POLISH AMERICAN CONGRESS, INC.
EASTERN PENNSYLVANIA DISTRICT

Representing 250,000 Polish-Americans

February 6, 1984

Hon. Norman D. Shumway
House of Representatives
1203 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Shumway,

I have read and fully support Senate Joint Resolution 167, a Constitutional Amendment to make English the official language of the United States. As a President of the PAC, I spend a great deal of my time promoting our Polish heritage, culture and language. I feel this is important. People should not forget who they are, where they come from. We should keep alive the struggle and language of our forefathers.

However, when a people leave one country and seek refuge in another, a country with greater freedom and greater opportunities, it becomes all our duty to see that this country's greatness is maintained. A universal language, open communications, and personal independence have always been a prime ingredient in that greatness. The first thing newcomers learn to share is a language. Those who wish to spare their people the burden of learning a new language are either ignorant or tyrants who want to control and have final power over these people. Who would be writing these words to you today if I had not been forced to learn English. We would all be prisoners in our own communities, limited and dependent, the very situation many immigrants are fleeing from.

Today, there are many young Americans who have always enjoyed freedom and independence. When something comes too easily, we tend to forget its value. But, with each immigrant who learns English you can be assured there are Americans who have heard his story and appreciate their country more.

How can Americans remain united if we encourage separation? We must have some way of communicating the things that bind us together, that which makes us Americans. Is there anyone who had to learn the English language and after learning it could honestly say he would prefer never to have learned it?

I offer you my best wishes and full support for this amendment and will encourage others to do so also.

Sincerely yours,

Michael Blichasz
President

804 N. 24th Street • Philadelphia, Pa. 19130 • (215) 627-0454 • 739-3408

Senator **Hatch**. Thank you so much, Congressman Shumway. We appreciate your being here today, and we know that your amendment is quite similar to Senate Joint Resolution 167. I may have a question after Congressman Corrada testifies as to just what are the differences between your amendment and the one here in the Senate.

The next witness is the Resident Commissioner for Puerto Rico, Congressman Baltasar Corrada. He will be appearing today on behalf of the Hispanic Caucus, of which he is the vice chairman, as well as in his capacity as the Representative from Puerto Rico.

We certainly welcome you here, Congressman.

STATEMENT OF RESIDENT COMMISSIONER BALTASAR CORRADA

Mr. **Corrada**. Thank you very much, Mr. Chairman, and members of the subcommittee. I appreciate the opportunity to present my views on Senate Joint Resolution 167, which would amend our Constitution to establish the English language as the official language of the United States.

This morning, I come before you in my capacity as vice chairman of the Congressional Hispanic Caucus, as well as in my personal capacity as Resident Commissioner from Puerto Rico.

Some believe that this amendment is needed to preserve English as the language in which to conduct the official, political, social, and economic matters in the United States. There are some who believe that minority languages pose a threat to dethrone English as the language of the vast majority of our people and our Government. Well, I submit that the people of the United States believe in freedom and not in government imposition of language or culture.

English is the language of the United States, and it is so because of a cultural and social phenomenon. English is the language of our country because that is the people's choice and not because the Constitution mandates it.

The freedom of speech we enjoy here allows us to make the choice every single day to speak whichever language we prefer, and for over 200 years, overwhelmingly, we had decided to communicate in English in this country.

Immigrants or migrants to the United States have historically been eager to learn English. Even the 3.2 million American citizens residing in Puerto Rico, where Spanish is the language used in government, in state courts, in business, and in all facets of daily living, strive to improve our proficiency in English.

I, for instance, was born and raised in Puerto Rico and educated there and developed in an academic environment where Spanish is the vehicle of public education. Throughout my college years and my law studies in Puerto Rico, Spanish was the language of my education. I never resided on the U.S. mainland until the people of Puerto Rico elected me to Congress in 1977. Yet I sit before you this morning conversing in English, even though Spanish is my vernacular. I cherish both languages. They, I believe, make me a better-educated person and better-suited to understand the people and the world I live in.

Mr. Chairman, I fail to see how a constitutional amendment establishing English as the official language of the United States which requires such great effort and expense to adopt would, in the balance, yield a positive impact on our social, economic, and political life.

The United States is composed of different cultures which have allowed us to rapidly and effectively expand our international horizons. Our economic and political ties with foreign countries have been strengthened, thanks to the enlightening contributions based on first-hand knowledge and understanding of foreign cultures immigrants have brought to our country.

Mr. Chairman, I would like to believe that we as a country can see past the isolationism which has been fostered before. In order to survive in the world community, the United States must make a continued effort to shed its provincialism, to become more able to deal with the cultures and languages of other countries, to recognize that English is not intrinsically superior to any other language.

Because of the economic dominance of the United States in recent decades, English has become the standard language in business and diplomacy throughout the world, and Americans have become comfortable in their knowledge that all others will accommodate to them. As our world becomes smaller, through transportation and communication, and as economic strength becomes more evenly distributed among nations, we must raise ourselves from this false sense of security and begin to recognize and reward cultural and linguistic differences as an asset rather than a detriment to our national power.

I am a strong believer in statehood for Puerto Rico. I envision in the not too distant future that Puerto Rico will become the 51st or the 52d State of the Union, and that in doing so, it will enrich the culture of our Nation. There would be, in my view, no compelling reason whatsoever for Congress to impose English on Puerto Rico, being as we are an island in the Caribbean and not part of the U.S. contiguous territory.

Let me point out, Mr. Chairman, that in the year 1917, Congress passed the Jones Act, granting American citizenship to all residents of Puerto Rico, regardless of whether they spoke English or not. It would be unfair, now that we may be moving closer to the point where we may ask to join the Union, and citizenship was granted to us without the requirement of English, to require that English be the sole official language in Puerto Rico if we become a State. I believe that we ought to have the opportunity to have Spanish as well as English as the official language in Puerto Rico, and that this essentially is a matter for each State to decide, rather than having the Federal Government imposing to each of the political bodies that comprise this great Nation, a mandatory use of English as the official language of every government.

Puerto Rico, being a neighbor of Latin American countries and possessing similar language, culture, and idiosyncracy, would afford the United States the catalyst it needs to improve and develop currently strained relations with some of those countries. The admission of Puerto Rico into the Union as an Hispanic state would send a clear message to the countries in this region that the United States does not look down on Hispanics, but rather, welcomes them on an equal footing.

Yes; we in Puerto Rico want to learn English, as I and my children and many others on the island have, but not as an imposition, but as a matter of practicality and choice.

Any attempt to impose the English language on me or anybody would be a frontal attack on the right to freedom of speech provided in the first amendment to the Constitution. To try to impose the English language on the States' official business would be contrary to the States' rights and to their constitutional rights, protected under the 10th amendment, to manage their internal affairs however they see fit.

The freedom of speech and the right to vote are the cornerstones of our democracy. Any effort to undermine either one weakens our democracy. We cannot backtrack, Mr. Chairman, in our efforts to bring equality of access to the election polls and to ensure full participation for all in our democratic and electoral process.

For instance, the bilingual ballot provisions under the Voting Rights Act are a prime example of how we are responding to the need to give a greater meaning to democracy in our country. It is also a fine example of the negative impact a constitutional amendment establishing English as the official language poses on these efforts.

The right to vote is the key to all freedoms we enjoy in the United States. It assures our citizens participation in the decision-making process regarding issues which affect our daily lives and give direction to our society. By imposing a language barrier to the right to vote, we would deny many citizens in our Nation access to the most basic and important tool in democracy. Language minority groups should not be alienated or obstructed from participating in the political process but rather, encouraged to do so by facilitating their understanding of that process. In that way, we truly bring them into the mainstream of America's business.

Congress cannot ignore the plight of American citizens lacking proficiency in English who wish to fully exercise their constitutional right to vote in the most conscientious and rightful manner; Congress should not preclude 20-year permanent residents over 50 years of age from becoming U.S. citizens because of insufficient knowledge of the English language; Congress should not do away with bilingual education programs crafted to ensure the continued educational growth of American citizens while they learn to become proficient in the English language.

This great democratic institution, the Congress of the United States, Mr. Chairman, does not need a constitutional amendment pointing out the obvious, that English is the uncontested language of the United States. It might be easy for the English-speaking majority of our country to attempt to impose English on our linguistic minorities. I would not doubt it for a moment, that perhaps you could garner the majority of the Members of Congress to vote for this. But what would it do?

The adoption of such measure, in my view, would accomplish nothing save a straining of relations between the diverse cultures that nurture the greatness of our Nation.

No one is arguing against the need for all Americans to attain proficiency in English in order to participate in all levels of our society. No one is suggesting that any other language should replace

English as the vehicle for interaction in our society. That is the way it is; that is the way it should be. But we do not need the Constitution to mandate this, just as we do not need the Constitution to mandate that we have to love our mother and our father, or that we have to be patriotic. This is part of the responsibility of citizenship that does not have to be imposed upon us.

America is great not because we speak one language or the other, but because we are united by the fundamental principles that bind our people together: freedom, justice, equal opportunity for all, fairness, democracy. To say that we make our country stronger because we make it "U.S. English" is like saying that we would make it stronger by making it "U.S. white." It is as insidious to base the strength or unity of the United States in one language as it is to base that strength or unity in one race. A Spanish-speaking American can be as patriotic as an English-speaking American, just like a black American can be as patriotic as a white American.

When Jimmy Lopez was held hostage in Iran for more than 1 year, together with other Americans, he wrote an inscription in his cell that the Iranians could not understand what it meant. He wrote: "Viva la Roja, Blanca y Azul." It meant: "Long live the Red, White and Blue." He was fully American and fully patriotic, even though he wrote that inscription in Spanish, and it remained there while his captors wanted to restrain his freedom.

Today, as a Puerto Rican and as an American proud of being a Puerto Rican, and proud of being an American, I repeat here: Viva la Roja, Blanca y Azul.

Thank you, Mr. Chairman.

[Material submitted for the record follows:]

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PREPARED STATEMENT OF RESIDENT COMMISSIONER BALTASAR CORRADA

Mr. Chairman, members of the Subcommittee, I appreciate the opportunity to present my views on Senate Joint Resolution 167, which would amend our Constitution to establish the English language as the official language of the United States. This morning, I come before you in my capacity as Vice Chairman of the Congressional Hispanic Caucus, as well as in my personal capacity as Resident Commissioner from Puerto Rico.

Some believe this amendment is needed to preserve English as the language in which to conduct the official, political, social and economic matters in the United States. There are some who believe minority languages pose a threat to dethrone English as the language of the vast majority of our people and of our government.

The people of the United States believe in freedom and not in government imposition of language or culture.

English is the language of the United States because of a cultural and social phenomenom. English is the language of our country because that is the people's choice and not because the Constitution mandates it. The freedom of speech we enjoy here allows us to make the choice every single day to speak whichever language we prefer. For over 200 years, overwhelmingly we have decided to communicate in English. Through our achievements in crafting a better way of life and a sound system of government, we motivate millions around the world to learn the English language to better communicate with us.

Immigrants or migrants to the United States have historically been eager to learn English. Even the 3.2 million American citizens residing in Puerto Rico, where Spanish is the language used in Government, in State Courts, in business, and in all facets of daily living, strive to improve their proficiency in English. I, for instance, was born and raised in Puerto Rico and developed in an academic environment where Spanish is the vehicle of public education. Throughout my college years, and my law studies, Spanish was the language of my education. Yet, I sit before you this morning conversing in English. I cherish both languages. They make me a better educated person and better suited to understand the people and the world I live in.

Mr. Chairman, I fail to see how a constitutional amendment establishing English as the official language of the United States which requires such great effort and expense to adopt would in the balance yield a positive impact on our social, economic or political life. The United States is composed of different cultures which have allowed us to rapidly and effectively expand our international horizons. Our economic and political ties with foreign countries have been strengthened thanks to the enlightening contributions based on first hand knowledge and understanding of foreign cultures immigrants have brought to our country.

Mr. Chairman, I would like to believe that we as a country can see past the isolationism some have fostered before.

In order to survive in the world community, the United States must make a continued effort to shed its provincialism, to become more able to deal with the cultures and languages of other countries, to recognize that English is not intrinsically superior to any other language. Because of the economic dominance of the United States in recent decades, English has become the standard language of business and diplomacy throughout the world, and Americans have become comfortable in their knowledge that all others will accommodate to them. As our world becomes smaller, and as economic strength becomes more evenly distributed among Nations, we must raise ourselves from this false sense of security and begin to recognize and reward cultural and linguistic differences as an asset rather than a detriment to our national power.

I am a strong believer in Statehood for Puerto Rico. I envision in the not too distant future that Puerto Rico will become the 51st State, and that in doing so it will enrich the culture of our Nation. There would be no compelling reason for Congress to impose English on Puerto Rico, being as we are an island in the Caribbean and not part of the U.S. contiguous territory.

Puerto Rico, being a neighbor of Latin American countries and possessing similar language, culture and idiosincracy would afford the United States the catalyst it needs to improve and develop currently strained relations with those countries. The admission of Puerto Rico into the Union as a Hispanic State would send a clear message to the countries in this region that the United States does not look down on Hispanics, but rather welcomes them on

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an equal footing. Yes, we in Puerto Rico want to learn English as I and my children and many others on the Island have. But not as an imposition but as a matter of practicality and choice.

In addition, the proposed amendment is of dubious practical applicability. No constitutional amendment can prohibit me or anybody from conversing in Spanish, or French or German, be it at home, at work or in church. Any attempt to impose the English language on me or anybody would be a frontal attack on the right to freedom of speech as provided in the First Amendment to the Constitution. To try to impose the English language on the States' official business would be contrary to their constitutional right protected under the Tenth Amendment to manage their internal affairs however they see fit. The only impact of a constitutional amendment making English the official language of the United States would be to limit federal governmental business to English. But essentially this is already the accepted norm with very few exceptions. The amendment, however, could trigger constitutional questions regarding congressional programs and initiatives crafted to help immigrants and migrants into the mainstream of our society such as the Voting Rights Act and education programs.

The freedom of speech and the right to vote are the cornerstones of our democracy. Any effort to undermine either one weakens our democracy. The constitutional mandate of freedom of speech was envisioned to afford every citizen of the United States the right to voice his or her ideas and concerns. It was meant to preclude any effort to squelch minority opinions. An initiative which hampers the ability of minorities in this country to speak their minds by establishing as a prerequisite the understanding of a language is contrary to basic propositions which makes the United States such a great Nation. We cannot backtrack in our efforts to bring equality of access to the election polls and to ensure full participation for all in our democratic process. The bilingual ballot provisions under the Voting Rights Act are a prime example of how we are responding to the need to give a greater meaning to democracy in our country. It is also a fine example of the negative impact a constitutional amendment establishing English as the official language poses on these efforts. The right to vote is

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the key to all the freedoms we enjoy here. It assures our citizens participation in the decision-making process regarding issues which affect our daily lives and give direction to our society. By imposing a language barrier to the right to vote, we would deny many citizens in our Nation access to the most basic and important tool in a democracy. We would exclude them from exercising their right and responsibility to forward their views about our potential and current leaders and on how we can best uphold the principles for which this Nation stands. Language minority groups should not be alienated from participating in the political process but encouraged to do so by facilitating their understanding of that process.

We have in the past successfully infringed upon the State rights through constitutional amendments only under extraordinary circumstances, circumstances permeated by overriding public interest. For instance, we have intruded to afford our citizens the privileges, immunities and rights protected by the U.S. Constitution at all levels of government. But we have never taken away or crippled acquired rights of our citizens. Nor have we ever undermined the cultural enrichment of our people.

Congress cannot ignore the plight of American citizens lacking proficiency in English who wish to fully exercise their constitutional right to vote in the most conscientious and rightful manner; Congress should not preclude 20 year permanent residents over 50 years of age from becoming U.S. citizens because insufficient knowledge of the English language; Congress should not do away with bilingual education programs created to ensure the continued educational growth of American citizens while learning the English language.

This great democratic institution does not need a constitutional amendment pointing out the obvious, that English is the uncontested language of the United States. It might be easy for the English-speaking majority of our country to attempt to impose English on our linguistic minorities. The adoption of such measure would accomplish nothing save a straining of relations between the diverse cultures that nurture the greatness of this Nation.

I find it extremely interesting that some of those who support this measure characterize one of its ramifications as that of preventing continuation of Bilingual Education programs, as if these educational programs were intended to foment divisiveness among the peoples of our Nation and prevent the incorporation of non-English speakers into the mainstream of our society.

Whenever the debate centers on the issue of bilingual education, we repeatedly hear the insidious myth that most Hispanic children do not want to learn English and that their parents want them educated only in their native language. If we adopt bilingual instruction as an educational policy, they say, we will create a bilingual society. And the Bilingual Education Act is the tool with which these goals can be achieved. Nothing could be further from the truth.

I, for one, have never met a Hispanic parent or student who stood in favor of delaying acquisition of English. As a matter of fact, the Hispanic culture is known for the importance it gives to education, and for the emphasis it places on achievement of its children. I cannot believe that any parent who because of his own language deficiencies cannot find a decent job would actively deny his offspring the chance to gain that skill.

No one is arguing against the need for all Americans to attain proficiency in English in order to participate in all levels of our society. No one is suggesting that any other language replace English as the vehicle for interaction in our society. It seems ironic, therefore, that anyone would propose to eliminate the sole Federal mechanism for instilling English proficiency in our children under the guise of cementing English as the language of use in our country.

America is great not because we speak one language or other but because we are united by the fundamental principles that bind our people together: freedom, justice, equal opportunity for all, fairness, democracy. To say that we make our country stronger because we make it "U.S. English" is like saying that we make it stronger by making it "U.S. White." It is as insidious to base the strength or unity of the United States in one language as it is to base that strength or unity in one race. A Spanish-speaking

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American can be as patriotic as an English-speaking American just like a black American can be as patriotic as a white American. When Jimmy López was held hostage in Iran for more than one year together with other Americans, he wrote an inscription in his cell: Viva la Roja, Blanca y Azul. Today, I repeat here: Viva la Roja, Blanca y Azul.

Senator **Hatch**. Thank you, Congressman Corrada. I think you gave an excellent statement today, representing your side of this issue.

All statements have been very well received by this committee.

I think rather than ask questions, I am running out of time. I have got to be to a meeting with the majority leader within just a few minutes, but I would like to just mention, Congressman Shumway, as you undoubtedly know, the Congressional Research Service has done an analysis of your amendment, and I would like to include that analysis as a part of the record at this particular point. That analysis points out that your amendment is at least clearer than the Senate version in one respect: It does not purport to cover private activities.

Your section 2 incorporates a "State action" component, which I think is quite interesting.

Your amendment also preserves some of the concept of Federalism, by permitting both Congress and the States to enforce the amendment by legislation. So it does consider federalism in that regard, compared to the Senate amendment.

[Material submitted for the record follows:]

Congressional Research Service
The Library of Congress

Washington, D.C. 20540

LEGAL ANALYSIS OF H.J. RES. 169 PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION TO MAKE ENGLISH THE OFFICIAL LANGUAGE OF THE UNITED STATES

Charles Dale
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June 27, 1983

* * *

LEGAL ANALYSIS OF H.J. RES. 169 PROPOSING AN AMENDMENT TO THE U.S. CONSTITUTION TO MAKE ENGLISH THE OFFICIAL LANGUAGE OF THE UNITED STATES

On March 2, 1983, Congressman Shumway introduced H.J. Res. 169 which would amend the U.S. Constitution to make English the "official language of the United States" and, except with respect to education, would implement this mandate by prohibiting all governmentally compelled use of "any language other than English." The text of the proposed amendment reads

> Section 1. The English language shall be the official language of the United States.
>
> Section 2. Neither the United States nor any State shall require, by law, ordinance, regulation, order, decree, program, or policy, the use in the United States of any language other than English.
>
> Section 3. This article shall not prohibit any law, ordinance regulation, order, decree, program, or policy requiring educational instruction in a language other the English for the purpose of making students who use a language other than English proficient in English.
>
> Section 4. The Congress and the States may enforce this article by appropriate legislation.

At the outset, it should be noted that it does not appear that the section 1 declaration of English as the "official" language would, standing alone and without reference to the succeeding sections, have any practical legal effect.[1]

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[1] At present, the closest analogue to federal recognition of an "official" language may be found in existing laws which impose a limited English language requirement for naturalization, as follows:

> No person...shall hereafter be naturalized as a citizen of the United States

(continued)

The wording of that first section would not *per se* seem to mandate or prohibit anything, at least in the absence of a legislative history that might elucidate its intended meaning. Of course, Congress and the states are also empowered to give legislative definition to the essentially hortatory language of section 1 by the concurrent enforcement authority granted in section 4 of the proposed amendment.

Section 2, in contrast, would appear to erect a legal barrier to state or federal action of any kind--executive, legislative, or judicial--that would "require" or otherwise compel the use of "any language other than English" for any purpose not comprehended by the section 3 exception. At the same time, it is not altogether clear whether, or to what extent, local governmental action mandating forbidden foreign language usage might likewise be precluded by the proposed wording. For while inclusion of the term "ordinance" within that section might be suggestive of the sponsor's intent that local governmental entities, as instrumentalities of the "state," fall within that term as used in section 2, this may not be the invariable judicial interpretation without some additional clarification of the matter, either in the body of the amendment itself or its legislative history.

Some indication of the implications of the section 2 prohibition may be gleaned from a brief, and certainly not exhaustive, survey of current federal laws that authorize the use of non-English or foreign tongues in various circumstances. A major example may be found in the bilingual election provisions of the Voting Rights Act, added by Title III of the 1975 Amendments, which prohibit a jurisdiction in which more than 5% of the voting age residents are members of a single language minority, and

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Continued

upon his own petition who cannot demonstrate--

> (1) an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language: *Provided*, That this requirement shall not apply to any person physically unable to comply therewith, if otherwise qualified to be naturalized, or to any person who, on the date of the filing of his petition for naturalization as provided in section 1445 of this title, is over fifty years of age and has been living in the United States for periods totaling at least twenty years subsequent to a lawful admission for permanent residence: *Provided further*, That the requirements of this section relating to ability to read and write shall be met if the applicant can read or write simple words and phrases to the end that a reasonable test of his literacy shall be made and that no extraordinary or unreasonable condition shall be imposed upon the applicant....

8 U.S.C. 1423.

in which the illiteracy rate of such groups in English is higher than the national average, from providing voting materials only in the English language until August 6, 1985. Such a jurisdiction is required by the law to provide voting materials in the applicable minority language as well as English. If the minority language is oral or unwritten, the jurisdiction is required to funish only oral instructions or assistance in the minority language. These requirements do not apply in a jurisdiction which has less than 5% of the statewide population of voting age citizens. Language minorities are defined to include persons of American Indian, Asian American, Alaskan native, or Spanish heritage.[2]

Among other perhaps less prominent but nonetheless significant provisions of federal law that mandate foreign language usage are those that require interpreters to be used in the physical and mental examination of alien immigrants seeking entry into the United States;[3] the Director of the Administrative Office of the U.S. Courts to establish a program for the use of foreign language interpreters in federal civil and criminal proceedings for parties whose primary language is other than English;[4] service of judicial process by U.S. and state courts on a foreign state, its political subdivisions, agencies, or instrumentalities to be accompanied by a translation "into the official language of the foreign state";[5] and use of foreign language personnel in connection with federally funded migrant and community health centers,[6] and alcohol abuse and treatment programs,[7] which serve a substantial number of non-English speaking persons.

The probable effect of the proposed amendment would be a nullification of these and related federal laws to the extent that they require, and not simply permit, the use of a foreign language either directly, or as a condition to the receipt of federal funds by state, local, or private participants in federal programs. By the same token, outside the educational context, the federal courts would presumably be precluded from grounding a right to foreign language interpretation in existing statutory or constitutional guarantees. State legislatures, agencies, and courts would be similarly limited and the enforcement of existing state regulation in these same areas[8] and others[9] would be affected. Since section 2 incorporates a "state action" concept,[10] however, purely private conduct of an unaided or unregulated nature would seem to fall outside the scope of the amendment.

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[2] 42 U.S.C. 1973aa-1a.

[3] 8 U.S.C. 1224.

[4] 28 U.S.C. 1827.

[5] 28 U.S.C. 1608.

[6] 42 U.S.C. 254b(f)(3)(J), 254c.

[7] 42 U.S.C. 4577(b).

As noted, however, limited as section 2 is on its face to laws, regulations, orders, etc. that "require" foreign language usage, it would not seem to bar all such usage, even in governmental programs or activities, provided only that the pertinent authority therefor is framed in permissive rather than mandatory terms. For example, while federal court administrators may no longer be required by statute to provide interpreters in judicial proceedings, they may not be precluded from doing so, even at government expense, if otherwise within their statutory authority, and not prohibited by federal or state legislation enacted pursuant to section 4. The precise operation of this distinction between mandatory and permissive regulation is not as readily discernible in other contexts, but any undesired results flowing therefrom may be redressable, in any event, by legislation under section 4.

Section 3 carves out a major exception from this foreign language prohibition for government sanctioned educational instruction "for the purpose of making students who use a language other than English proficient in English." Under existing interpretations of the due process clause, government may not prohibit the teaching of foreign language in the schools. In *Meyer* v. *Nebraska*[11] the

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[8] See, U.S. Commission on Civil Rights "Mexican Americans and the Administration of Justice in the Southwest," (1970).

[9] See, e.g., Cal. Gov. Code 7290 *et. seq.* (Use of a foreign language in public services).

[10] I.e., "Neither the United States nor any State shall..."

[11] 262 U.S. 390 (1923). See, also, *Bartels* v. *Iowa*, 262 U.S. 404 (1923).

Supreme Court struck down a state law that forbid teaching in any school in the state, public or private, of any modern foreign language before the ninth grade because it improperly infringed upon the liberty of parents to make educational decisions for their children. In addition, prompted by the Supreme Court's 1974 ruling in Lau v. Nichols,[12] the federal courts in several cases[13] have held that the failure of local school districts to provide supplemental instruction to non-English speaking students is a violation of Title VI of the 1964 Civil Rights Act,[14] the Equal Educational Opportunities Act of 1974,[15] and the Equal Protection Clause.[16] While section 3 would partially reconcile operation of the amendment with these authorities, it may be considerably more narrow in the practices that it would permit than existing law.

By its wording, section 3 appears directed to the situation where foreign language instruction is used to improve the English proficiency of non-English speaking students--whether in a bilingual/bicultural, English as a Second Language, or English immersion setting--and only where that is the stated or demonstrable educational purpose. Accordingly, the required use by public school administrators of these or related educational techniques for other purposes--such as to foster fluency by English speaking and non-English speaking children with their history or culture--presently permitted by state and federal law[17] might be prohibited. Similarly, the policy of some public institutions of higher education of requiring coursework in a foreign language as a prerequisite to obtaining certain degrees would probably by unconstitutional under the amendment. Once again, of course, the voluntary participation of students in such programs, and the practices of private educational institutions, would appear to be unaffected.

A possible difficulty with the amendment may be determining how this inquiry into underlying purpose is to proceed so that permissible uses of foreign language instruction may be distinguished from impermissible. The easy case may be where native English speaking students are included in a mandatory program of foreign language instruction, for that would seem clearly outside the scope of the exception. While such students, for example, could elect voluntarily to take public school instruction in a foreign language, they could not be required to do so. However, in the case of remedial language instruction to assist non-English speaking children, where use of both English and the native tongue are involved, the task of separating permissible from impermissible educational purposes may be a more onerous task, particularly if confronted with a state or local school board bent on evading the limitations of section 3.

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[12] 414 U.S. 563 (1974).

[13] See, e.g., Serna v. Portales Municipal Schools, 499 F. 2d 1147 (10th Cir. 1974); Rios v. Reed, 480 F. Supp 14 (E.D.N.Y 1978); Cintron v. Brentwood Union Free School, 455 F. Supp. 57 (E.D.N.Y. 1978).

[14] 42 U.S.C. 2000d et seq.

[15] 20 U.S.C. 1703(f).

[16] Amendment XIV of the U.S. Constitution.

[17] Bilingual Education Act, 20 U.S.C. 880b et seq.

As indicated above, because section 2 of the amendment is limited on its face to actions taken by the "United States (or) any State," it would not of its own force impose any restrictions on the conduct of private groups or individuals.[18] This may be relatively unimportant, however, in view of the fact that the remainder of the amendment is not so limited, and read in conjunction with the section 4 grant of authority to Congress and the states to enforce the amendment "by appropriate legislation," may have significant implications for private as well as governmental action. For example, could Congress or any state enforce the section 1 declaration of English as the "official" national language by legislatively restricting use of non-English by private persons in public places, or bar judicial enforcement of private legal documents executed in a language other than English? Concededly, such curbs on the private use of foreign language would raise substantial First Amendment questions, but just how the courts might reconcile the apparent conflict between the demands of free speech, on the one hand, and the constitutional interests protected by the proposed amendment are unclear. The most that can be said is that, absent a definitive legislative history, the two sets of interests would presumably be of equivalent constitutional status, and the courts would be left to strike the appropriate balance between them.

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[18] Whether Congress and the states under section 4 would be similarly constrained by the "state action" requirement of section 2 from legislating with respect to the activities of private persons is not altogether certain. In the analogous Fourteenth Amendment context, a majority of the Supreme Court in United States v. Guest, 383 U.S. 745, 782 (1966) argued in dicta that Congress' power to enforce the Equal Protection Clause, which is likewise limited to state action, pursuant to section 5 was broader than the substantive guarantees of the amendment itself. "Although the Fourteenth Amendment itself. . . 'speaks to the State or to those acting under the color of its authority,' legislation protecting rights created by that Amendment, such as the right to equal utilization of state facilities, need not be confined to punishing conspiracies in which state officers participate. Rather, §5 authorizes Congress to make laws that it concludes are reasonably necessary to protect a right created by and arising under that Amendment; and Congress is thus fully empowered to determine that punishment of private conspiracies interfering with the exercise of such a right is necessary to its full protection." See, also, United States v. Price, 386 U.S. 787 (1966). While it is uncertain, following changes in the Court's personnel and in the absence of definitive adjudication, whether this expansion of Congress' power still commands a majority of the Court, the issues it raises may be pertinent to the reach of the Section 2 prohibition.

Finally, the amendment proposed by H.J. Res. 169 appears to be substantively equivalent in its effects to S.J. Res. 72, introduced by Senator Hayakawa in the 97th Congress. While the latter proposal included in section 4 a specific provision, not found in H.J. Res. 169, related to the courts, state and federal, and prohibiting any "order or decree. . .requiring that any proceedings, or matters to which this article applies be in any language other than English," the same result is subsumed by section 2 of the current House measure. The other differences between the two bill appear largely technical in nature and would seem of no substantive significance.

Charles Dale
Charles Dale
legislative Attorney
American Law Division
June 27, 1983

Senator **Hatch**. I will submit questions to both of you, and I would ask that you answer them as quickly as you can, so that this committee can have the benefit of your knowledge and expertise in this area.

I do have to say to all Members of Congress, I really question why a constitutional amendment is needed in this instance; why we cannot do what needs to be done statutorally.

I think Senator Huddleston probably put his finger on it—it is a tough political issue, and it might be easier to throw it out to the people in the States and let them resolve it. But I think we ought to have the guts to resolve some of these issues in the Congress by standing up and voting to resolve them.

If this is just a symbol, unlike Senator DeConcini, I do not think the Constitution should be amended for symbolic reasons. I really think it is that important a document. And it certainly should not be amended ad hoc. The Constitution is so important that it should only be amended where we have such a societal ill that it just has to be resolved through a constitutional amendment or for a variety of other reasons that are constitutionally justifiable.

Now, I have to admit, I see a lot of good on both sides of this issue, and I really would appreciate any additional help that you can give as we send these questions to you.

But I want to thank both of you for being with us today.

We will now go to our last two witnesses, and they are Gerda Bikales, from U.S. English and Arnoldo Torres, from the League of United Latin American Citizens.

Mr. Dennis P. Doyle, director of education studies at the American Enterprise Institute, has prepared an insightful study of bilingual education, and since this amendment would have a clear impact on such education, I would like to include his study at this point in the record, so without objection, we will.

Several important publications like Congressional Quarterly, the New York Times, and Newsweek, have carried articles concerning this amendment, so I will include them in the record at this point, as well, without objection.

[Material submitted for the record follows:]

[From the New York Times, Apr. 16, 1983]

WHAT A SCHOOL WAS

(By Abraham H. Lass)

When I entered elementary school in 1913, I spoke only Yiddish. I was, in today's educational parlance, monolingual. And not surprisingly. My parents spoke no English. My recently arrived "greenhorn" relatives spoke no English. Neither did most of my friends.

My parents came to the United States to escape Russian pogroms, Russian discrimination and Russian poverty. America offered them instant freedom, hope, opportunity, peace and surcease from persecution. It could not, however, give them an instant language. But with what time and energy they had left after trying to make it every day in America by working in the sweatshops, they went to the settlement houses and the "citizenship and Americanization" classes to learn the language, customs and traditions of their adopted country.

I have very vivid memories of my teachers:

The were all women.

They all wore long dresses with high, lace collars. The tips of their black, shiny "pointy" shoes peeped coyly from beneath their skirts.

Some wore pince-nez.

They were all extraordinarily clean-looking.

They all seemed to be called Miss McDonald.

And they didn't seem to like us or love us.

But they taught us—firmly, thoroughly, relentlessly. They did not ask, nor did they seem to care, who we were, where we came from, what we wanted or what language we spoke at home.

They knew what they were in school for: to civilize us, Americanize us, give us a common tongue and a common set of traditions. And they pursued these goals with an almost fanatical single-mindedness.

They weren't about to let anything as irrelevant as our "roots" or our "ethnicity" our many different mother tongues get in their way.

And so, undistracted by bilingualisms, they quickly taught us to read, write and speak English.

Before the end of my first year, I was teaching my parents what I had learned—with special emphasis on speaking English correctly so I wouldn't be ashamed of them when my gentile friends were around.

Our class "readers," somewhat stodgy, stuffy, "noble" and, at times, mind-stretching, were filled with "memory gems"—lines, phrases, thoughts that resonated through our lives and gave a special tone and shape to our thinking, speaking and writing.

Happily, there were none of our contemporary "reading specialists" or "readability experts" pawing over our texts to turn them into the kind of pap being served up to our kids in today's readers.

At home, my parents saw to it that I got thoroughly immersed in my heritage, in my people's history and language. This, they felt, belonged to them—not to the schools.

The schools didn't know enough or care enough about our traditions and language to want to enrich or preserve them. And, wisely, the schools didn't try to. They had all they could do to give me what I could not get anywhere else—an education that would move me into the mainstream of American life unencumbered by the handicaps today's immigrants are being saddled with.

In school, my cultural roots, my ethnic pride remained untouched, uncontaminated, undemeaned, unaffected by what my teachers were telling me about what, at the time, seemed to be their language, their traditions. Ultimately, I understood that they were teaching me about my America.

Today, I still read and speak and understand the language of my ancestors. I know and I am proud of where I come from, where I have been and the role I and my people have played and continue to play in the best of all present worlds.

Of course, not all our teachers made the or even a difference in our lives. Not all of them were kind, good, effective, dedicated.

Our vulnerability, our helplessness, our crudities brought out the worst in some of them. They looked upon us as the "great unwashed." Others didn't have the guts or the taste for the job.

Nor did all the kids get out of school what I did. Too many of them were casualties. They never made it out into America, the beautiful.

But I loved all those Miss McDonalds. I owe them everything. They made me possible.

I wish they were around in today's troubled and sometimes rudderless schools to do what they did for me when the classroom was a sanctuary, when teachers were secure in their person and their profession, when they could teach with confidence, certainty and conviction.

In my fond, and, I think, not wholly inaccurate recollections, those were for me—and my Miss McDonalds—golden, halcyon days.

[From Congressional Quarterly, Oct. 22, 1983]

ELA: MAKING ENGLISH THE OFFICIAL LANGUAGE

(By Nadine Cohodas)

Most people are familiar with the ERA. It stands for the Equal Rights Amendment.

But few know abut the ELA—the English Language Amendment.

Spurred by concern in some quarters about the growth of bilingualism, members of Congress have introduced constitutional amendments (S.J. Res. 167, H.J. Res. 169) to make English the official language of the United States.

Although the amendment have been sent to subcommittees of the House and Senate Judiciary committees no hearings are planned yet.

Sponsors of the amendments, Sen. Walter D. Huddleston, D-Ky., and Rep. Norman D. Shumway, R-Calif., do not expect passage of the ELA in the near future, but they are hoping it will help spark a national debate on bilingualism.

"If we continue along the path we now follow, I believe that we will do irreparable damage to the fragile unity that our common language has helped us preserve for over 200 years," Huddleston said when he introduced his amendment Sept. 21.

Figures from the U.S. Census Bureau show that in 1979 nearly 18 million of the 200.8 million persons in the United States over the age of five spoke a language other than English at home. Nearly half of them—8.7 million—spoke Spanish at home.

Huddleston said the ELA "will focus national attention on the problem and subject it to the type of thorough national debate which is necessary."

Huddleston and Shumway are following in the footsteps of Sen. S.I. "Sam" Hayakawa, R-Calif. (1977–83), who introduced an English language amendment in 1981. A semanticist, Hayakawa has long been interested in language issues. When a major immigration reform bill came before the Senate in 1982, Hayakawa successfully attached to it an amendment declaring the sense of the Senate that English is the official language of the United States. A similar rider was attached to a 1983 version of the bill (S. 529), but the legislation has stalled in the House. (*Weekly Report p. 2088*)

Hayakawa did not seek re-election in 1982, but absence from elective office did not diminish his interest in the English language issue. Early in 1983, Hayakawa helped found a group devoted to maintaining "the blessings of a common language—English—for the people of the United States."

Fittingly, the national, non-profit group is called U.S. English. The organization, which operates with a small staff in a one-room office in Washinton, D.C., describes itself as the defender of "the public interest in the growing debate on bilingualism and biculturalism."

U.S. English claims about 5,000 members and is supported largely by membership dues of $20 per person plus contributions, according to Executive Director Gerda Bikales.

The group publishes a periodic newsletter called *Update* that reports on events bearing on bilingual issues. For example, the fall issue noted that in San Francisco, enough signatures were collected to force an initiative on the November ballot so residents can express their views on a resolution calling for English-only voting handbooks and ballots.

During congressional hearings earlier this year, Bikales, representing U.S. English, was the only person to oppose increased funding for bilingual education programs, set at $139 million for fiscal 1984.

Bikales, who came to this country as a non-English-speaking immigrant, said her organization is concerned that what was once envisioned as temporary "lasts, expands, grows. . . . This is not just a transitional program."

Bikales is concerned particularly about the proliferation of bilingual ballots, which she said has cost San Francisco, with its many ethnic groups, over $1 million since 1975. That was when the Voting Rights Act was amended to require bilingual election materials for areas in which 5 percent of the voting age citizens were of a single language minority and had a high illiteracy rate in English.

"We ought to have a policy that is going to encourage social cohesion rather than ethnic bloc voting," Bikales said.

HISPANICS CONCERNED

Members of the Hispanic community, for whom the bilingual programs were initially created, are especially sensitive to the issues raised by U.S. English and the proposed amendment.

Richard P. Fajardo of the Mexican American Legal Defense and Educational Fund contended that those objecting to bilingual programs "misrepresent and misinterpret the whole meaning of bilingual education. They have the perception that it is geared to creating a separate society, a kind of monolingual society with Spanish as the only language," he said.

Fajardo is troubled about efforts to do away with multilingual voting materials, which he said would only erode participation in the electoral process. "People should participate in the process and if it is easier to get them to participate in their native tongue, it benefits all Americans," Fajardo said.

[From Newsweek, Jan. 9, 1984]

ENGLISH SPOKEN HERE, PLEASE

(By Jonathan Alter)

S. I. Hayakawa, the California septuagenarian who retired from the U.S. Senate a year ago, is most often remembered as the senator who wore a tam-o'-shanter and had trouble staying awake during floor debate. But Hayakawa, a professor of semantics before entering politics, may have left a peppy legacy after all: his move to enshrine English as the sole official language of the United States, blocking what once seemed a trend toward bilingualism. He and his allies are pushing for a constitutional amendment mandating English, and though chances of passage are remote, the political verbs seem to be conjugating in their direction—particularly in California and Florida, two states where Spanish is especially strong.

The most significant recent sign of resistance to bilingualism came in November in San Francisco. "Proposition O," a nonbinding referendum opposing the practice of printing city ballots in Spanish and Chinese, as well as English, passed by 2 to 1—and came close to winning even in Chinatown and San Francisco's heavily Hispanic Mission District. Hayakawa's Washington-based group, U.S. English, hopes to build steam for an all-out assault on the source of the multilingual ballots: a 1975 amendment to the federal Voting Rights Act that requires certain areas of the country to provide ballots in languages ranging from Spanish to Aleut. So far, Congress hasn't acted, but a recent Mervin Field poll shows that two-thirds of all Californians favor repeal, and the same wind may be blowing east.

Hayakawa admits some of his allies are racists, but he believes the real argument for English is more civic than xenophobic. "The language we share is at the core of our identity as citizens, and our ticket to full participation in American political life," he says. "We can speak any language we want at the dinner table, but English is the language of public discourses, of the marketplace and of the voting booth." Supporters of making English official point out that past immigrants have learned the language successfully and that naturalized citizens are required to. They warn of Balkanization and point to Quebec's secessional struggles.

Supporters of bilingual ballots counter that learning the minimal English required for citizenship tests hardly qualifies immigrants for the befuddling array of propositions now on American ballots. Hispanic leaders argue that many of those who use the Spanish ballots are older people who learned English years ago and lost their proficiency. The Mexican American Legal Defense and Education Fund found that one-third of the Chicano voters it surveyed said they wouldn't have registered if bilingual ballots had not been available. Many Hispanics who support some bilingual measures resent the suggestion that they seek an entirely bilingual society. "You'd have to be a damned fool not to realize that English is the official language," says San Francisco Hispanic leader Ralph Hurtado. "If you don't speak English, you're a dishwasher."

Larger debate: Unfortunately, the educational issue of how best to learn English—whether bilingually (subjects taught in the native tongue) or through old-fashioned sink-or-swim immersion—has been obscured by the politics of the larger debate. Many Hispanics see bilingual education as a matter of cultural pride and ignore evidence that if it's applied too broadly some students will never learn English. Likewise, many Anglos view the program as a threat to the country—and forget that some instruction in a native language can be a useful educational bridge that helps keep students from dropping out.

In heavily Hispanic South Florida, the issue has become so inflamed that it now spills over into unrelated matters. A requirement that all high-school students take two years of a foriegn language in order to be admitted to state universities has been stymied, at least temporarily, by the state legislature—in large part out of misplaced chauvinism for English. Among those most opposed to bilingualism are blacks, many of whom believe the language barrier has helped lock them out of jobs. "First blacks were told they would succeed if they spoke good English," says State Rep. James Burke. "Then we were told we would succeed if we dressed right. Now they've added another ingredient. All you have to do is learn Spanish." A three-year-old ordinance establishing English as Dade County's official language is in no danger of repeal.

The Hayakawa backlash hasn't spread everywhere. It has missed south Texas, where bilingualism is firmly entrenched, and so far hasn't reached into the White House. In fact, Ronald Reagan may be moving in the opposite direction. Two years ago he attacked bilingual education as "wrong and against American concepts." Then last summer, in a speech before Hispanic veterans' groups, he endorsed the idea. The federal government now spends $139 million a year on bilingual programs.

With an election approaching, politicians will have to weigh whether the "Speak English" movement is strong enough to risk offending Hispanics, whose political power is now beginning to emerge. But as the San Francisco results suggest, even many Hispanics believe bilingualism may have moved too far. Several states are now moving to an "English as a second language" approach in public schools, stressing mastery of English while recognizing that many students will need special help in learning it. Hayakawa's constitutional amendment may prove unnecessary, if leaders learn the language of compromise.

[From the Washington Post, Mar. 15, 1984]

VOTING IN ENGLISH

(By William Raspberry)

When Floridians went to the polls on Tuesday, voters in five of the state's 67 counties used ballots printed in Spanish as well as English. Maybe this concession to the state's considerable Hispanic population served to increase the number of participants, maybe not.

Whatever, if Sen. Walter D. Huddleston (D-Ky.) has his way, it won't happen again. Huddleston is sponsoring a constitutional amendment to make English the official language of the United States, a move that would require English-only ballots.

At first glance, the proposal seems illiberal, mean-minded and punitive. Why not allow Americans to vote in the language in which they are most fluent?

But Huddleston and other backers of English-only ballots insist that meanness has nothing to do with it. English, they say, is one of the things in this ethnically diverse country that binds us together. As former Sen. S.I. Hayakawa put it:

"The language we share is at the core of our identity as citizens, and our ticket to full participat[illegible] in American political life. We can speak any language we want at the dinner tab[illegible]t English is the language of public discourse, of the marketplace, and of the vot[illegible]ooth."

Hayakawa, who was wrong on any number of important issues when he was in the Senate, is right on this one. I wouldn't go so far as to demand a constitutional amendment to achieve his goal (the amendment process already is in danger of becoming trivialized). But the goal itself makes sense.

Not only does English serve a unifying function; not only does the government have no legitimate role in preserving foreign cultures; not only are multilingual ballots expensive (San Francisco spent an extra $73,389.37 for trilingual ballots and voting materials, according to officials there). English-only ballots also make pragmatic sense. Any American who is insufficiently fluent in English even to mark a ballot, is insufficiently fluent in English to know very much about the candidates and the issues in the election.

I wouldn't argue that no concessions should be made to Americans whose primary language is other than English. Bilingual education, for instance, makes some sence as one approach to the early schooling of children who do not know English—but only if the ultimate goal is fluency in English, without which it simply is not possible to participate adequately in American life.

No doubt the federal rules that required multilingual ballots, mandatory bilingual education and other similar concessions to America's newest immigrants were well-intentioned. But such misguided compassion runs a serious risk of making entry into the American mainstream more difficult, not less.

What is at issue is not a return to literacy tests and other devices clearly intended as barriers to voting. The question, really, is whether it makes sense for the government to require vocal instructions and ballots in language other than English. I think not.

On the other hand, Huddleston's proposed constitutional amendment strikes me as overkill. If he and other supporters of English-only ballots including the California Committee on Ballots in English and the Washington-based U.S. English) are not motivated by meanness, why don't they simply back legislation to repeal there requirement that ballots be printed in languages other than English?

If Floridians decide on their own as long as there's no federal rule requiring it—to print some of their ballots in Spanish, why should Huddleston and Hayakawa care?

[From the Washington Times, Apr. 4, 1984]

Aqui se Habla Ingles

Statesmenship has been defined as the ability to both see problems before they become acute and then recommend realistic solutions. By that definition former Sen. S.I. Hayakawa is a true statesman. In 1981 he introduced a constitutional amendment making English the official language of the United States.

It is ironic that it took a Canadian-born naturalized American citizen of Japanese ancestry to recognize the danger to American society of creeping multilingualism.

At first glance such an amendment might seem unnecessary. Everyone knows that English is the language of our country. The Declaration of Independence and the Constitution are in English. The debates in Congress and in state legislatures are in English. Our laws are in English, as are the rulings handed down by all our courts.

Americans of every ethnic background take justifiable pride in the way this country has absorbed millions of immigrants from every part of the world who came here speaking little or no English. With rare exceptions, it took at most two generations for these people to master the language and become fully assimilated into the American mainstream.

But over the past 10 years or so there has been an accelerating drive to put other languages on an equal basis with English. In 1980, 36 counties in California spent almost $900,000 on bilingual ballots. The major force encouraging the erosion of English is the bilingual education lobby. Although it is principally Hispanic, evidence suggests that is speaks only for itself and not for the larger Hispanic community. Last year, for example, the Miami Herald took a poll in Dade County, which has one of the nation's largest concentrations of Hispanics. Eighty-one percent agreed strongly that "people who live in the United States should be fluent enough in English to use that language in their public dealings."

In Belgium, Dutch-speaking Flemings and French-speaking Walloons are often at each other's throats. Spain and Yugoslavia are tormented by strife and even terrorism between competing linguistic communities. In Canada, Francophone separatism is a continuing threat to national unity.

A common language is one of the great bonds of our national unity. Those bonds should be strengthened and protected. We strongly endorse those resolutions in the House and Senate that are intended to establish English unequivocally as the language spoken here.

[From the Christian Science Monitor, Apr. 20, 1983]

"You'll Be a Nobody if They Didn't Make You Learn English"

(By Gerda Bikales)

I learned my fourth language—English—more self-consciously than I had learned my first (German), my second language (Flemish), and my third language (French).

As a young child in Nazi-occupied Europe, I had had to learn languages as a matter of survival. But I was nearly 16 by the time I landed in America, more easily embarrassed, more fearful of ridicule, too old to ever acquire the accent of the native.

Arriving without knowledge of English, I nevertheless learned it very fast. So did my friends among the immigrant students in my New York City high school. There were no special classes set up for us, only kind and encouraging teachers willing to make some allowances for a while.

Within a year, I was taking the dreaded New York Regents examinations. I took the foreign language Regents in German and French and received perfect scores that boosted my average in my weaker subjects. I did well in the algebra and geometry exams, which involve little knowledge of English. I got passing grades in English and American history, and 19 months after coming to the United States I managed to graduate high school with honors, several college acceptances in hand.

My parents had a much harder time. For them, English was a mischievous tongue twister which even I cold not always understand. Yet they tried, and kept on trying. They wanted to become American citizens and had to know some English to pass the test. They also had to know the rudiments of American history, and something about the way American government operates. I had studied these subjects in school, and by the time I was eligible for citizenship I was well versed in them. But my parents had had little formal schooling in their native Poland and had no framework for relating events in American history to anything else. Nor had their prior experience with authoritarian governments prepared them for understanding the U.S. system of governance. They spent days memorizing facts. I helped by role-playing the naturalization officer, endlessly quizing them: "Who was the first president of the United States?" "Who makes the laws of the United States?" "What is the Constitution?"

My parents answered by rote. Sometimes they got confused, as when questions were posed differently, such as "Who was George Washington?"

I was not with them when near-disaster struck during testing. In his nervous state, my father could not produce the answers to some of the questions asked. When the examiner realized my father's predicament, he tried to help. He rephrased the questions and gave some broad hints. My father passed, after all.

Once they became citizens, my parents boasted of their achievement, especially to immigrant friends too afraid to apply for naturalization. Like the fish in oft-repeated fishing stories, the difficulty of the test grew with every retelling. My parents registered to vote, followed politics in the foreign language press that was their regular reading, and voted faithfully in primaries and general elections.

Yet in most other ways they were to remain on the fringes of the American mainstream. They lived in immigrant neighborhoods, socialized with immigrant friends. But they expected me to venture forth, the seize the opportunities, to do well in America. I tried to meet their expectations.

My own Americanization proceeded rapidly, far beyond where my parents could follow. After I learned English, I started to speak it at home, and conversation dried up. I had no time for religous observance. I became intolerant of my mother's cooking, which I found unimaginative and heavy.

America had estranged us, as it has generations of immigrant families before us. This was the cost of immigration none of us had taken into account in planning our new life here, and which we paid in tears and pain.

I often think of those years in the country we adopted, and which so generously adopted us. For today's newcomers, there is bilingual education, and voting ballots in foreign languages, and talk about dropping English as a requirement for citizenship.

I asked my parents, now retired, whether these accommodations would have helped us when we were newcomers. They where offended at the mere suggestion. "You would be a nobody if they didn't make you learn English right away," my mother lectured me, "and if we didn't have to work hard for our citizenship, would we appreciate it the way we do?"

I reminded my mother that they would have failed the test, were it not for the kindness of the examiner. She then reminded me of my high school teachers, who overlooked my shortcomings those first few months. And then my mother, who had lived as a refugee in a half-dozen countries, told me: "That's what's so special in America. They want you to learn American ways, but they don't make fun of you when you don't know. They give you a break, and they are willing to help you if you just try."

Right on, Mom!

[From the New York Times, June 3, 1984]

THE MOTHER TONGUE HAS A MOVEMENT

(By Francis X. Clines)

WASHINGTON.—What Darwin termed the "half-art, half-instinct of language" is about to be taken up in Congress. The Senate subcommittee on the Constitution has scheduled for next week the first hearing on a proposed amendment that would designate English as the official language of the nation. The measure, lost thus far in the legislative hopper, has been fashioned as a postscript to the words of the Founding Fathers because some see a threat of bilingualism growing in the land.

The lobbying group behind the movement, a small organization that calls itself "U.S. English" and claims advisory supporters such as Saul Bellow, Norman Cousins and Alistair Cooke, feels that some people already are ahead of Congress on the question. In an initiative sponsored by the group in San Francisco last year, 63 percent endorsed the idea that English should be the only language on ballots and voting handbooks, according to Steve Workings, the legislative representative of U.S. English. The group expects to have the same question on the statewide ballot in California in November, hoping for a nonbinding statement of disapproval of the Federal Voting Rights Act's mandate of multilingual ballots.

Critics are trying to treat the movement as a minor curiosity deserving few words. "Paranoia," is the one used by Representative Robert Garcia, the New York Democrat who heads the Hispanic Caucus. "It's silly," he says. "It's another of the crazy California movements, and that's no coincidence because California has one of the largest influxes of Hispanics and Asians." Mr. Garcia feels the proposed amendment is an elitist symptom of prejudice against politically rising ethnic groups.

Proponents say, to the contrary, that it is designed to stop the erosion of the traditional method by which immigrants are assimilated through the need to learn English. The proposal, they say, is mainly intended to spark national debate. In an election year, however, with politicians from President Reagan on down courting such voting blocs as the Hispanic community, little has been heard about an issue first raised by Theodore Roosevelt. "We have room for but one language here, and that is the English language," he declared.

In introducing the proposed amendment, Senator Walter D. Huddleston, Democrat of Kentucky, spoke of heading off "irreparable damage to the fragile unity that our common language has helped us preserve for over 200 years." Senator Quentin N. Burdick, Democrat of North Dakota, complaining that the Government has been overly accommodating to multilingual programs, argued that English has been forced to "take a back seat in the public schools."

Anyone approaching America these days through such coastal portals as the Hispanic and Asian ghettoes of New York or Los Angeles could make a case for the Hindu proverb: "Language changes every 18 or 20 miles." But Representative Garcia argues that the larger point is that multilingual accommodation has made newcomers far better versed in civic issues than in older times when, he says, lack of fluency in English walled immigrants off from political power." This is a different world now," he says. "New York has two Spanish dailies, four weeklies, a half dozen magazines. Hispanic communities in places like Texas and California are saturated with media and are well informed on the issues." Indeed, in New York as in other states various agencies have recognized the right of citizens to documents and proceedings they can understand. Consumer credit transactions, for example, must be written in Spanish and in English, and the Labor Department offers translations of hearings on unemloyment benefits.

In response, the movement cites its founder, former Senator S.I. Hayakawa, the California Republican and semanticist: "We can speak any language we want at the dinner table, but English is the language of public discourse, of the marketplace and of the voting booth." Amendment proponents say bilingualism is helpful as a "transitional" means of assimilation, but that the Government's official blessing of it in recent years is challenging the primary of English.

Slow progress is being made, by the accounting of U.S. English, which celebrated in March when Indiana joined Kentucky, Nebraska, Illinois, and Virginia in designating English as the state's official language. The group requires board members to be proficient in a second language to demonstrate that it does not stand against pluralism, only against Government encouragement of language barriers. "We do not want to appear chauvinistic about our cause," says Mr. Workings, who has been studying Spanish even as he plumps for English.

Senator **Hatch**. I have a terrible problem. I have been asked to be at the majority leader's office by 11:40, and I just do not know what to do, other than to start with your testimony, Ms. Bikales, and if you could summarize, it would be appreciated, but if you cannot, I will have to recess until I can get back, and I have another appointment at 12 noon.

So let us see how far we can go, OK? I do not want to cut you short, because I think this is very important, but if you can summarize, it would be appreciated by the Chair.

STATEMENT OF GERDA BIKALES, EXECUTIVE DIRECTOR, U.S. ENGLISH, WASHINGTON, DC, AND ARNOLDO S. TORRES, NATIONAL EXECUTIVE DIRECTOR, THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, WASHINGTON, DC

Ms. **Bikales**. Thank you.

[Witness proceeds with testimony in French.]

Ms. **Bikales**. Now, not wishing to be cited for contempt of Congress——

Senator **Hatch**. You do not have to worry about that. You speak excellent French.

Ms. **Bikales**. Having made the point that I think it is better to speak one language, and we can understand each other directly, I will see how far we can go.

I just want to repeat in English at this time that we appreciate greatly this opportunity to participate in what we consider a historic debate on the language future of this nation. It is indeed fitting that it takes place today, for in 3 years, we will be celebrating the bicentennial of the Constitution. This occasion calls for a philosophic reexamination of the true meaning of this durable document which so eloquently articulates the American credo of individual freedom under the rule of law. The ideas they express are imprinted on the psyche of our people, and they are our permanent guarantee that as Americans, we shall never live under arbitrary, capricious, or unreasonable rule.

In their wisdom, the drafters of the Constitution made the amendment process difficult. They saw to it that our national charter would not be changed lightly, but only for reasons of genuine national need, through a process of public debate and consensus-building. That is what brings us here today in this prestigious forum, to consider an amendment that is both practical and ideological—practical because it will assure that we will continue to understand one another without the cumbersome and expensive intervention of translators and interpreters; ideological, because it protects our strongest bond to one another. In this, the third century of our independence, many believe that the time has come to designate English, our common language, as our country's official one.

We may well ask why this was not done before. There is indeed a belief that it was done before, and many people believe that we have an official designation and that the Continental Congress dealt with this issue and that English won out. However, that story, it seems, is apocryphal. Most likely, the Founding Fathers did not foresee the diversity which has come to characterize American society and saw little need to designate a national language.

You may remember that the case for political union of the former colonies was made most passionately by John Jay in the Federalist Papers, precisely on the basis of the homogeneous character of the people who would make up the proposed nation. Jay spoke of a connected mass of land for the new country and of a union, I quote:

> * * * people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who by their joint counsels, arms and efforts, fighting side-by-side throughout a long and bloody war, have nobly established general liberty and independence.

Later writings by Ben Franklin and Thomas Jefferson indicate greater awareness and concern about geographic concentrations of non-English-speaking people. Still, as far as we can tell, there was no attempt to specify the language of the country. Some believe this was avoided so as not to discourage would-be immigrants who were so urgently needed as settlers and workers.

In time, new institutions and changed laws helped assure the integration of newcomers into the host society. After the great immigration waves began following the Civil War, the public schools played an ever more decisive role in Americanizing the immigrant child. Still later, requirements that immigrants be literate and applicants for U.S. citizenship know some English were added, to discourage the formation of entrenched language ghettoes, and to speed integration into the larger society. But most of all, a dynamic economy that rewarded those who learned English served as a powerful inducement to the quick acquisition of our language. And while Jefferson and Franklin in their day worried most about the increasing concentration of German speakers, later immigrants spoke such a profusion of very different tongues that learning English was the only practical option for everyone.

In the interest of speeding this up a bit, I will go straight to a review of what John Jay at the time thought made for national unity, and see how we fare today.

John Jay spoke of a large expanse of connected, contiguous territory; descent from common ancestors; a common language; a common religion; attachment to the same principles of government; similarity of manners and customs; a long and common history of war, suffering and a happy outcome; and finally, readiness to forget past intergroup conflicts.

This last component is not from John Jay, but, rather, it is a very original contribution by Ernest Renan, the 19th century French philosopher, who has written on nationhood. He believed that a willingness to forget past hurts inflicted by one group upon another, a sort of historic forgetfulness, is essential to a cohesive nation. We have changed since this case was made for homogeneity. We are no longer a contiguous Nation, but one spread out far into the Pacific isles and beyond the Canadian north. We no longer share common ancestors, and our common spiritual ancestors, the heroes of American history, have been kicked off their pedestals. We speak a multitude of languages and insist on voting in them and on educating our children in them. Religion is no longer a common tie. We have remained steadfast in our belief in democratic government, it is true, but the emphasis has shifted entirely to assertions of individual rights, and the individual's obligations to the collective seem all but forgotten. Manners, customs, and lifestyles have never been so varied. The criterion of a common history of war and suffering followed by a happy outcome, so meaningful to the generation that fought the Revolutionary War, means little to Americans who mostly remember only unpopular wars with confused outcomes. And finally, far from forgetting past wrongs, we resurrect every hurt, every past injustice, to every group in American society, and each group makes sure that these are magnified and used to political advantage, rather than forgotten.

Now, I think we have, as a Nation, done very, very well, because as we became more varied, we also became more tolerant. In fact, we came to value diversity for its own ends. We did well with it. We allowed it to enrich our lives, yet without letting it overwhelm us.

The miracle of America has been that we have managed together so well with so few of the commonalities believed essential for nationhood. But now, when we review this list, we note that only two still apply, perhaps only one and a half—the common language, which still pulls most of us together, and we still share a commitment to democratic governnance. However, we have become selective in this latter commitment—passionate about our personal rights, and now, about group rights—but dispassionate about broader social responsibilities.

Language is no longer a bond between us; I would say it is the bond between us. And I would think, just briefly, the question comes up: How few common ties can we cope with? Isn't there some strict minimum below which we truly cannot go, and what role does language play in all that? Could America survive if the English language were to erode?

I think I will stop my testimony here, so as to give Mr. Torres an opportunity to speak.

[Material submitted for the record follows:]

PREPARED STATEMENT OF GERDA BIKALES

Senators, we appreciate the invitation to participate in this historic debate on the language future of our nation.

It is fitting that we debate the English Language Amendment at this time. The year is 1984, and in three years we shall be celebrating the bicentennial of the U.S. Constitution. This occasion calls not only for rejoycing, but also for a philosophic reexamination of this durable document, of those inspired words that so eloquently articulate the American credo of individual freedom under the rule of law. The ideas they express are imprinted in the psyche of our people, and they are our permanent guarantee that as Americans we shall never live under arbitrary, capricious or unreasonable rule. It is hardly original to state that the reason the Constitution has served us so well is that it is not a collection of mere phrases on parchment, but a living instrument that can accomodate adjustments to suit the times, without loss of its overall noble purpose. Adjustment is continuous through judicial reinterpretations, or, when necessary, through rare amendation of the Constitution itself.

In their wisdom, the drafters of the Constitution made the amendment process difficult. They saw to it that our national charter would not be changed frivolously, but only for reasons of genuine national need, through a process of public debate and consensus-building. In nearly two hundred years, we have completed this process seventeen times. Most will agree that we used it unwisely once, to prohibit the manufacture and consumption of all "intoxicating liquor", which some years later necessitated another amendment to repeal that prohibition. We used it well to achieve greater efficiency in the workings of government, as for example in the 16th amendment, which allows the levy of an income tax; the 17th amendment, which changed the method of electing U.S. Senators; and the 25th amendment, which formulates the way to replace the Vice-President of the United States in case of vacancy.

We used it most, however, for ideological reasons, to reflect an evolving philosophy of guaranteed rights for ever broader segments of our society. The first ten amendments, ratified together as the Bill of Rights, are the cornerstone of our system of individual rights. We marked the end of involuntary servitude with the 13th amendment, we guaranteed equal protection of the laws in the 14th amendment; we moved toward universal sufferage with the 15th amendment, which eliminated discrimination by race; with the 19th amendment, which opened political participation to women; with the 24th amendment, which removed property ownership and tax contribution as a requirement for voting; and with the 26th amendment, which extended the right to vote to younger Americans.

Now we are coming together in this prestigious forum to consider another amendment, one that is both practical and ideological. Practical, because it will assure that we'll continue to understand one another without translators and interpreters. Ideological, because it protects our strongest bond to one another. In this, the third century of our Independence, we are again adjusting to change by considering an amendment to designate our traditional language, English, as our nation's official one.

We may well wonder why this has not been done before. There is, in fact, a widespread belief that the language issue was taken up by the Continental Congress (or, in some versions of this story, by an early Congress) and that English won out over German by a single vote. But though the records of the Continental Congress have been analyzed carefully, no historic evidence has ever been found to support this story.

Most likely, the Founding Fathers did not foresee the diversity which has come to characterize American society, and perceived little need to designate a national language. Let us remember that the case for a political union of the former English colonies was made most passionately and optimistically by John Jay in the Federalist Papers, precisely on the basis of the homogeneous character of the people who would make up the proposed nation. Jay spoke approvingly of the connected territory of the new country, and of a union of "...people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same priciples of government, very similar in their manners and customs, and who by their joint counsels, arms and efforts, fighting side by side throughout a long and bloody war, have nobly established general liberty and independence."

Somewhat later writings by Ben Franklin and Thomas Jefferson indicate a greater awareness and concern about geographic concentrations of non-English speaking people, and about the possible deleterious effects this could have on the social fabric of the new nation. Still, as far as we can tell, there was no attempt to specify the language of the United States. Some scholars believe that this was avoided so as not to discourage would-be immigrants, who were so urgently needed as settlers and workers.

In time, new institutions and changed laws helped assure the integration of newcomers into the host society. After the great immigration waves began following the Civil War, the public schools played an ever-more decisive role in Americanizing the immigrant child, immersing him unabashadly in the language and values of the new country. Still later, requirements that immigrants be literate and applicants for U.S. citizenship know some English were added, to discourage the formation of entrenched language ghettoes, and to speed the immigrants' integration into the larger society. But most of all, a dynamic economy that handsomely rewarded those who learned English served as powerful inducement to the quick acquisition of our language. And while Jefferson and Franklin in their day worried most about the increasing concentration of German speakers, whose numbers in some places equaled those speaking English, later immigrants spoke such a profusion of very different tongues that learning English was the only practical option for everyone.

Thus, through much of our short history as a nation, many factors converged to give us one language--English--and made an official language designation unnecessary.

As we start the Congressional debate on an English Language Amendment, we must ask ourselves some serious questions. Is the situation in our country today really such that we need this high level of protection for our language? Is the primacy of English really essential for the continued well-being of this nation and its people? What would happen in our land if the primacy of this language were somehow to be lost ?

These questions lead us to contemplate what was the foundation of national unity in earlier years, and what is it today. If we can pinpoint this with sufficient clarity, the answers may well become self-evident. In his plea for a union of the thirteen colonies, John Jay presented a particularly good and succinct outline of the components commonly believed to make for nationhood. His full statement lists these as:

* A large expanse of connected, contiguous territory
* Descent from common ancestors
* A common language
* A common religion
* Attachment to the same principles of government
* Similarity of manners and customs
*A long and common history of war, suffering and a happy outcome
*Readiness to forget past intergroup conflicts

This last component is not from John Jay's writings, but it is a very original contribution by Ernest Renan, a nineteenth century French theologian and philosopher known for his work on national cohesion and nationhood. Renan believed that a willingness to forget past hurts inflicted by one group upon another--"forgetfulness"--is essential to the creation of strong bonds between various groups in the country.

We have greatly changed since Jay made the case for a united country on the basis of homogeneity. We are no longer a contiguous nation, but one spread out far into the Pacific Isles and beyond the Canadian North. We no longer share common ancestors, and our common spiritual ancestors, the heroes of American history, have been knocked off their pedestals. We speak a multitude of languages, and insist on voting in them and on educating our children in them. Religion is no longer a common tie. We have remained steadfast in our belief in democratic government, but the emphasis has shifted entirely to assertions of individual rights, and the individual's obligations to the collective seem all but forgotten. Manners, customs and life-styles have never been so varied. The criterion of a common history of war and suffering followed by a happy outcome, so meaningful to the generation that fought the Revolutionary War, means little to Americans who mostly remember only unpopular wars with confused outcomes. Finally, far from forgetting past wrongs, we resurrect every hurt, every past injury to every group in American society, and each group makes sure that these are magnified and used to political advantage rather than forgotten.

At the dawn of our Independence, we had all the standard ingredients that history and experience tell us make for national unity. Yet even as we changed, even as we became more and more diverse, we managed to maintain a society of exceptional stability and civil concord. It has been the hallmark of our national character that as we became less alike to one another, we also became more tolerant of differences; in time, we came to not only tolerate them, but to understand them, and eventually to appreciate them. Other nations all over the world were being undone by conflicts between different groups within their borders; but we did well with diversity, and came to value it for its own sake, allowing it to enrich our lives, yet without letting it overwhelm us. The miracle of America has been that we have managed together so well with so few of the commonalities believed essential for nationhood. But now, when we review that list, we note that only two still apply to us. More correctly, perhaps, only one and "a half" still apply. A common language still pulls most of us together, and we still share a commitment to democratic governance. However, we have become selective in this latter commitment—passionate about our personal rights (and now, about group rights), but dispassionate about broader social responsibilities.

The fact that we are left with so few civic ties to one another is deeply felt by virtually all Americans. Our citizens are resolute in their support for English, which is no longer *a* bond but *the* bond between all of us. They understand instinctively that, as a people, we have become more vulnerable to internal divisions and civil strife. They understand that a common language is necessary to work out our disagreements peaceably, and is now more important to us than ever. They sense that if we let rival languages displace the primacy of English, we shall have lost all hope of going on as a people with a common resolve and common destiny. And because they strongly connect our language with our survival as a united people, they join U.S.ENGLISH in astounding numbers.

We can not dodge the question: are there not at least *some* elements of cohesion that a nation--any nation--must maintain? And if our answer is yes, how close are we to the absolute minimum? Can the United States survive the erosion of English? And even if the probability of this coming to pass seems remote, can we afford to take the risk of such a loss?

As we approach the bicentennial of the Constitution, it behooves us to recall that the Constitution is first and foremost a document about building an enduring nation. That goal is clearly stated at the start—"We, the people of the United States, in order to form a more perfect union...". In our eagerness to quote one individual right or another and to derive still further individual rights from those quoted, we have lost sight of the fact that the primary purpose of the Constitution is "a more perfect union". All else comes after, and is subordinate to that lofty purpose.

The process of amending our Constitution requires public debate toward an eventual consensus on the issue under consideration. The debate is already ongoing full-force, and is reaching a high plane in these august chambers. But the consensus is already built. We are pleased that the English Language Amendment is supported not only by a broad spectrum of well-established Americans, but by many newer immigrant groups as well. The American people care deeply about their common language, and they want it protected.

In the fading years of this century, nothing would be more injurious to the cause of national unity than our failure to act on this wish. And nothing would assure the perpetuation of our language bond as benignly, as unobtusively, yet so effectively, as a constitutional declaration of the principle that English is our language.

To inject a practical note into your deliberations, let me also point out that before the end of the century, Congress will have to make some critical decisions about the status of Puerto Rico. It would be wise to settle firmly on the language of the nation before Puerto Rican statehood is up for consideration.

Senators, no Congress ever had such a splendid opportunity, to do so much for the future of our country, at so little political cost.

On behalf of the forty thousand members of U.S.ENGLISH, and the two hundred thousand other Americans who have communicated their concerns to us, I thank you for your attention.

****

I end this testimony on a personal note. We have just celebrated the 40th anniversary of the allied landing in Normandy. These were the brave men who launched the offensive that freed Europe from Hitler's tyranny, and liberated me and my family from the relentless persecutions of the Nazi Holocaust. A few years later, America offered me refuge and a new home. I was sixteen when I came, speaking not a word of English, and having missed many crucial years of schooling during the war.

It may seem trite to say so, but this country has offered me opportunities I could not even have dreamed of in the upheavals of my childhood, not the least of which is the great honor of appearing before you today.

I would like to believe that, in some small measure, I have repaid my debt to my adopted country today.

The Association of Indians in America, Inc.

A Non-Profit Organization of Asian Indians
Founded in 1967

President
Surendra K. Saxena
Vice Presidents
Gopal Alankar
Sudhir Kumar
R. Narayanaswami
Randhir Sandhu
Treasurer
Rajan Sheth
Parliamentarian
Probir Chatterjee
Members-At-Large
Vinod Aggarwal
Devi Bhargava
Renuka Biswas
Avi Chakravarti
Sunanda Chatterjee
Raj Chopra
Romesh Diwan
Brijen Gupta
Jonah Joshi
Govind Kapadia
Aditya Mohan
Akshai Ranchal
Tapan Sarkar
Jitendra Shah
Gulpi Singh
Ranbir Singh
B. R. Sreenathan
Mansukh C. Wani
Immediate Past President
D. C. Lanjewar

October 25, 1983

Mr. Joseph E. Fallon
131 Purchase Street
Rye, New York 10580

Dear Mr. Fallon,

The Association of Indians in America supports the English language as the language of this land, which we have adopted as our country. I am encouraging our members to write in support of both Resolutions you recommended.

If I can be of any help, please feel free to call me. I apologize for the delay in response.

Thanks,

Surendra K. Saxena

SKS/as

Please reply to: Prof. S. K. Saxena
Chairman, Civil Engineering Department
Illinois Institute of Technology
Chicago, Illinois 60616

663 Fifth Avenue, New York, N.Y. 10022 • (212) 682-0326

Kern County Basque Club

P.O. BOX 416
BAKERSFIELD, CALIFORNIA 93302

January 10th, 1984

Ms. Gerda Bikales
U.S. English
1429 21st Street N.W.
Washington, D.C. 20036

Dear Ms. Bikales:

In response to your letter of November 14th, 1983 written by Joseph E. Fallon, our Kern County Basque Club held its first business meeting of the year, and 15 officers and Board of Directors were present. This is 100% attendance.

We unanimously voted to publicly take a stand on H.R. Resolution 169 and we would like to see an amendment added to the Constitution declaring English as the legally recognized language of the U.S

We have very close to 500 members in our Club and many of them born in the Basque country either in France or Spain. We feel that they would also feel very strongly to support this resolution. If you could send me the addresses of Congressmen Shumway and Senator Huddleston, I would like to write them if it is not too late.

We would appreciate receiving the latest developments of this Resolution, and also would like to know to whom else we could write to give more support.

Very sincerely yours,

Mrs. Marie J. Iribarren

Mrs. Marie J. Iribarren, Secretary
Kern County Basque Club

"We, the People of the United States, in Order to form a more perfect Union."

US ENGLISH

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October 15, 1984

Senator Orrin Hatch, Chairman
Senate Constitution Subcommittee
212 SDOB
Washington, DC 20510

Dear Senator Hatch:

During last June's hearings on the English Language Amendment, reference was made by our opponents to the Treaty of Guadalupe Hidalgo. Since no one had a copy of the treaty on hand, there was little that could be done at the moment to refute their statements about its contents. For some time now, a few Hispanics have claimed that the treaty guarantees the people of the annexed territories and their descendants the right to perpetual official use of their language.

In fact, the treaty makes no mention of language rights. Perhaps even more interesting is Article IX, which addresses the assimilation of the people from the annexed territory to the United States.

U.S.ENGLISH has decided to reproduce the text of the treaty — a copy is enclosed. If it is appropriate, we request that a copy of the treaty be included in the official hearing record of June 12.

Thank you very much for your consideration.

Sincerely,

Steve Workings
Government Relations Associate

enclosure

Board of Directors: S. I. Hayakawa, Ph.D., *Honorary Chairman*; John Tanton, M.D., *Chairman*; Stanley Diamond; Leo Sorensen; Gerda Bikales, *Executive Director*

PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT

(Treaty of Guadalupe Hidalgo)

US ENGLISH

Reprinted by

U.S ENGLISH
1424 16th Street, Suite 714
Washington, DC 20036

PREFACE

Nearly 140 years after its signing, the Treaty that ended the Mexican-American War in 1848 is routinely cited as the legal justification for the quasi-official recognition of Spanish in the United States. The Treaty of Guadalupe Hidalgo, we are told, guarantees the people of the annexed territories, and their descendants, the right to perpetual official use of their language.

One encounters this assertion in indignant "Letters to the Editor" that denounce the imposition of American culture and of English, in defiance of the terms of the Treaty. One hears the claim repeated in the passionate oratory of Latino activists addressing their constituents. One sees it in Congressional testimony presented by well-educated Hispanic leaders who really ought to know better.

In discussions of America's gradual drift into bilingualism, the claim to Treaty-guaranteed language rights is more likely to be greeted by embarrassed silence than by questioning the accuracy of the claim. Few of us are very familiar with the details of this document, and even fewer will admit to it. Most of us have vague memories from high school history classes that the Mexican-American war fulfilled a young America's expansionist dreams of "manifest destiny" — a land that stretches across the continent from sea to sea. In the post-Vietnam era any allusion to it is sure to make us uneasy and timid, rather than disputatious and assertive.

Thus the claim remains unchallenged, the untruth remains unexposed. The myth of entrenched Spanish language rights guaranteed in the Treaty of Guadalupe-Hidalgo has taken hold; the ignorant and the unscrupulous continue to spread it around.

To help remedy this situation, we decided to make the full text of the Treaty readily available to all who care about the language future of the United States. The text reproduced here was obtained from the National Archives.[1]

Those unfamiliar with it may be surprised to find that the Treaty makes for lively and interesting reading. We hope that its publication by U.S.ENGLISH will help to dispel the myth that the maintenance of the Spanish language in the American West and Southwest is a Treaty obligation incumbent upon all of us. We hope to renew the strength and confidence of the American people's conviction that English is indeed our public language—by tradition, by the imperatives of national unity, and by right.

Gerda Bikales
Executive Director
U.S.ENGLISH

September 1984

PEACE, FRIENDSHIP, LIMITS, AND SETTLEMENT
(TREATY OF GUADALUPE HIDALGO)

Treaty signed at Guadalupe Hidalgo February 2, 1848

Senate advice and consent to ratification, with amendments, March 10, 1848

Ratified by the President of the United States, with amendments, March 16, 1848 [2]

Ratified by Mexico May 30, 1848

Ratifications exchanged at Queretaro May 30, 1848

Entered into force May 30, 1848

Proclaimed by the President of the United States July 4, 1848

Articles V, VI, and VII amended and article XI abrogated by treaty of December 30, 1853 [3]

Article XXI continued in effect by convention of March 24, 1908 [4]

Articles II-IV, XII-XV, and XVII-XX terminated upon fulfillment of terms

9 Stat. 922; Treaty Series 207 [5]

In the name of Almighty God:

The United States of America, and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony and mutual confidence, wherein the two Peoples should live, as good Neighbours, have for that purpose appointed their respective Plenipotentiaries: that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristain, citizens of the said Republic; who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of Peace, arranged, agreed upon, and signed the following

of Almighty God, the author of Peace, arranged, agreed upon, and signed the following

TREATY OF PEACE, FRIENDSHIP, LIMITS AND SETTLEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE MEXICAN REPUBLIC

ARTICLE I

There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective Countries, territories, cities, towns and people, without exception of places or persons.

ARTICLE II

Immediately upon the signature of this Treaty, a convention shall be entered into between a Commissioner or Commissioners appointed by the General in Chief of the forces of the United States, and such as may be appointed by the Mexican Government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be reestablished, as regards the political, administrative and judicial branches, so far as this shall be permitted by the circumstances of military occupation.[6]

ARTICLE III

Immediately upon the ratification of the present treaty by the Government of the United States, orders shall be transmitted to the Commanders of their land and naval forces, requiring the latter (provided this Treaty shall then have been ratified by the Government of the Mexican Republic and the ratifications exchanged)[7] immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican Republic, to points, that shall be selected by common agreement, at a distance from the sea-ports, not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay: the Mexican Government hereby binding itself to afford every facility in it's power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner, orders shall be despatched to the persons in charge of the custom houses at all ports occupied by the forces of the United States, requiring them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican Government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such Custom Houses, or elsewhere in Mexico, by authority of the United States, from and after the day of ratification of this Treaty by the Government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican Government, at the City of Mexico, within three months after the exchange of ratifications.

The evacuation of the Capital of the Mexican Republic by the Troops of the United States, in virtue of the above stipulation, shall be completed in one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ARTICLE IV

Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following Article, shall be definitively restored to the said Republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the Government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be despatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The city of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, &c.

The final evacuation of the territory of the Mexican Republic, by the forces of the United States, shall be completed in three months from that said exchange of ratifications, or sooner, if possible: the Mexican Government hereby engaging, as in the foregoing Article, to use all means in it's power for facilitating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarkation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico; in such case a friendly arrangement shall be entered into between the General in Chief of the said troops and the Mexican Government, whereby healthy and otherwise suitable places at a distance from the ports not exceeding thirty leagues shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to, as comprehending the sickly season, shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following Article, the Government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ARTICLE V[8]

The Boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of it's deepest branch, if it should have more than one branch emptying directly into the sea; from thence, up the middle of that river, following the deepest channel, where it has more than one to the point where it strikes the Southern boundary of New Mexico; thence, westwardly along the whole Southern Boundary of New Mexico (which runs north of the town called *Paso*) to it's western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should not intersect any branch of that river, then, to the point on the said line nearest to such branch and thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence, across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this Article, are those laid down in the Map, entitled "*Map of the United States, as organized and defined by various acts of the Congress of said Republic, and constructed according to the best authorities. Revised edition. Published at New York in 1847 by J. Disturnell.*" Of which Map a Copy is added to this Treaty,[9] bearing the signatures and seals of the Undersigned Plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line, drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the Coast of the Pacific Ocean, distant one marine league due south of the southernmost point of the Port of San Diego, according to the plan of said port, made in the year 1782, by Don Juan Pantoja, second sailing-Master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners *Sutil* and *Mexicana*: of which plan a Copy is hereunto added,[10] signed and sealed by the respective Plenipotentiaries.

In order to designate the Boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both Republics, as described in the present Article, the two Governments shall each appoint a Commissioner and a Surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the Port of San Diego, and proceed to run and mark the said Boundary in it's whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result, agreed upon by them, shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two Governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The Boundary line established by this Article shall be religiously respected by each of the two Republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the General Government of each, in conformity with it's own constitution.

ARTICLE VI[11]

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the river Colorado below it's confluence with the Gila, to and from their possessions situated north of the Boundary line defined in the preceding Article: it being understood that this passage is to be by navigating the Gulf of California and the river Colorado, and not by land, without the express consent of the Mexican Government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal or railway, which should, in whole or in part, run upon the river Gila, or upon it's right or it's left bank, within the space of one marine league from either margin of the river, the Governments of both Republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ARTICLE VII

The River Gila, and the part of the Rio Bravo del Norte lying below the southern boundary of New Mexico, being, agreeably to the fifth Article, divided in the middle between the two Republics the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right: not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both Governments.

The stipulations contained in the present Article shall not impair the territorial rights of either Republic, within it's established limits.

ARTICLE VIII

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present Treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But, they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty: and those who shall remain in the said territories, after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it, guaranties equally ample as if the same belonged to citizens of the United States.

ARTICLE IX[12]

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceeding article, shall be incorporated into the Union of the United States and be admitted, at the proper time (to be judged by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and in the mean time shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ARTICLE X[13]

ARTICLE XI[14]

Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the Government of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme; it is solemnly agreed that all incursions shall be forcibly restrained by the Government of the United States, whensoever this may be necessary; and that when they cannot be prevented, they shall be punished by the said Government, and satisfaction for the same shall be exacted: all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within it's own territory against it's own citizens.

It shall not by lawful, under any pretext whatever, for any inhabitant of the United States, to purchase or acquire any Mexican or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two Republics; nor to purchase or acquire horses, mules, cattle or property of any kind, stolen within Mexican territory by such Indians;[15]

And, in the event of any person or persons, captured within the Mexican territory by Indians, being carried into the territory of the United States, the Government of the latter engages and binds itself, in the most solemn manner, so soon as it shall know of such captives being within it's territory, and shall be able so to do, through the faithful excercise of it's influence and power, to rescue them, and return them to their country, or deliver them to the agent or representative of the Mexican Government. The Mexican Authorities will, as far as practicable, give to the Government of the United States notice of such captures, and it's agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the mean time, shall be treated with the utmost hospitality by the American Authorities at the place where they may be. But if the Government of the United States, before receiving such notice from Mexico, should obtain intelligence through any other channel, of the existence of Mexican captives within it's territory, it will proceed forthwith to effect their release and delivery to the Mexican agent, as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the Government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said Government, when providing for the removal of the Indians from any portion of the said territories, or for it's being settled by citizens of the United States; but on the contrary, special care shall then be taken not to place it's Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ARTICLE XII

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth Article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen Millions of Dollars.[16]

Immediately after this Treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three Millions of Dollars shall be paid to the said Government by that of the United States at the city of Mexico, in the gold or silver coin of Mexico. The remaining twelve Millions of Dollars shall be paid at the same place, and in the same coin, in annual instalments of three Millions of Dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions, from the day of the ratification of the present treaty by the Mexican Government, and the first of the instalments shall be paid at the expiration of one year from the same day. Together with each annual instalment, as it falls due, the whole interest accruing on such instalment from the beginning shall also be paid.[17]

ARTICLE XIII

The United States engage moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated and decided against the Mexican Republic, under the conventions between the two Republics, severally concluded on the eleventh day of April eighteen hundred and thirty-nine,[18] and on the thirtieth day of January eighteen hundred and forty three:[19] so that the Mexican Republic shall be absolutely exempt for the future, from all expense whatever on account of the said claims.

ARTICLE XIV

The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican Government, which may have arisen previously to the date of the signature of this treaty: which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the Board of Commissioners provided for in the following Article, and whatever shall be the total amount of those allowed.

ARTICLE XV

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding Article, and considering them entirely and forever cancelled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a Board of Commissioners shall be established by the Government of the United States, whose awards shall be final and conclusive: provided that in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision described by the first and fifth Articles of the unratified convention, concluded at the city of Mexico on the twentieth day of November on thousand eight hundred and forty-three; and in no case shall an award be made in favor of any claim not embraced by these principles and rules.

If, in the opinion of the said Board of Commissioners, or of the claimants, any books, records, or documents in the possession or power of the Government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the Commissioners or the claimants, through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican Government engages, as the earliest possible moment after the receipt of such demand, to cause any of the books, records or documents, so specified, which shall be in their possession or power (or authenticated copies or extracts of the same) to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said Board of Commissioners: *Provided* That no such application shall be made, by, or at the instance of, any claimant, until the fact which it is expected to prove by such books, records or documents, shall have been stated under oath or affirmation.

ARTICLE XVI

Each of the contracting parties reserves to itself the entire right to fortify whatever point within it's territory, it may judge proper so to fortify, for it's security.

ARTICLE XVII

The Treaty of Amity, Commerce and Navigation, concluded at the city of Mexico on the fifth day of April A.D. 1831,[20] between the United States of America and the United Mexican States, except the additional Article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ARTICLE XVIII

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops, previous to the final evacuation thereof, although subsequently to the restoration of the Custom Houses at such ports, shall be entirely exempt from duties and charges of any kind: the Government of the United States hereby engaging and pledging it's faith to establish and vigilantly to enforce, all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles, other than such, both in kind and quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican Authorities at the respective ports, any attempts at a fraudulent abuse of this stipulation, which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto: and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX

With respect to all merchandise, effects and property whatsoever, imported into ports of Mexico, whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

I. All such merchandise, effects and property, if imported previously to the restoration of the Custom Houses to the Mexican Authorities, as stipulated for in the third Article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

II. The same perfect exemption shall be enjoyed by all such merchandise, effects and property, imported subsequently to the restoration of the Custom Houses, and previously to the sixty days fixed in the following Article for the coming into force of the Mexican tariff at such ports respectively: the said merchandise, effects and property being, however, at the time of their importation, subject to the payment of duties as provided for in the said following Article.

III. All merchandise, effects and property, described in the two rules foregoing, shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

IV. All merchandise, effects and property, described in the first and second rules, which shall have been removed to any place in the interior, whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

V. But if any merchandise, effects or property, described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases, if they had been imported in time of peace through the Maritime Custom Houses, and had there paid the duties, conformably with the Mexican tariff.

VI. The owners of all merchandise, effects or property, described in the first and second rules, and existing in any port of Mexico, shall have the right to reship the same, exempt from all tax, impost or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port, whilst in the occupation of the forces of the United States, and previously to the restoration of the Custom House at such port, no person shall be required by the Mexican Authorities, whether General or State, to pay any tax, duty or contribution upon any such exportation, or in any manner to account for the same to the said Authorities.

ARTICLE XX

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the Custom Houses, conformably with the stipulation in the third Article, in such case, all merchandise, effects and property whatsoever, arriving at the Mexican ports after the restoration of the said Custom Houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such Custom Houses at the time of the restoration of the same. And to all such merchandise, effects and property, the rules established by the preceding Article shall apply.

ARTICLE XXI

If unhappily any disagreement should hereinafter arise between the Governments of the two Republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two Nations, the said Governments, in the name of those Nations, do promise to each other, that they will endeavour, in the most sincere and earnest manner, to settle the differences so arising, and to perserve the state of peace and friendship, in which the two countries are now placing themselves: using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression or hostility of any kind, by the one Republic against the other, until the Government of that which deems itself aggrieved, shall have maturely considered, in the spirit of peace and good neighbourship, whether it would not be better that such difference should be settled by the arbitration of Commissioners appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstance of the case.

ARTICLE XXII

If (which is not to be expected, and which God forbid!) war should unhappily break out between the two Republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules: absolutely, where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible.

I. The merchants of either Republic, then residing in the other, shall be allowed to remain twelve months (for those dwelling in the interior) and six months (for those dwelling at sea-ports) to collect their debts and settle their affairs, during which periods they shall enjoy the same protection, and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects, without molestation or hinderance: conforming therein to the same laws, which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, unmolested in their persons. Nor shall their houses or goods be burnt, or otherwise destroyed; nor their cattle taken, nor their fields wasted, by the armed force, into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties and the pursuit of their vocations.

II. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclement or unwholesome districts, or crowding them into close and noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldier shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are for it's own troops. But, if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer or other prisoner, shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles as are allowed either in kind or by commutation, to officers of equal rank in it's own army; and all others shall be daily furnished with such ration as is allowed to a common soldier in it's own service: the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners, and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other: which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretence that war dissolves all treaties, nor any other whatever shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and during which it's stipulations are to be as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ARTICLE XXIII

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of it's General Congress: and the ratifications shall be exchanged in the City of Washington, or at the seat of government of Mexico,[11] in four months from the date of the signature hereof, or sooner if practicable.

In faith whereof, we, the respective Plenipotentiaries, have signed this Treaty of Peace, Friendship, Limits and Settlement, and have hereunto affixed our seals respectively. Done in Quintuplicate, at the City of Guadalupe Hidalgo, on the second day of February in the year of Our Lord one thousand eight hundred and forty eight.

N. P. Trist [SEAL]
Luis G. Cuevas [SEAL]
Bernardo Couto [SEAL]
Mig Atristain [SEAL]

FOOTNOTES

[1] Bevans, Charles I., editor/compiler, *Treaties and Other International Agreements of the United States of America 1779-1949*, Vol. 9, Washington U.S. Government Printing Office, 1972 (also in Department of State Publications, 8615).

[2] For United States Amendment to arts. III, IX-XII, and XXIII, see footnotes to those articles. An additional and secret article was stricken out pursuant to the Senate resolution. It read as follows:

"ADDITIONAL AND SECRET ARTICLE

"Of the Treaty of Peace, Friendship, Limits and Settlement between the United States of America and the Mexican Republic, signed this day by their respective Plenipotentiaries.

"In view of the possibility that the exchange of the ratifications of this treaty may, by the circumstances in which the Mexican Republic is placed, be delayed longer than the term of four months fixed by it's twenty-third Article for the exchange of ratifications of the same; it is hereby agreed that such delay shall not, in any manner, affect the force and validity of this Treaty, unless it should exceed the term of eight months, counted from the date of the signature thereof.

"This Article is to have the same force and virtue as if inserted in the treaty to which it is an Addition.

"In faith whereof, we, the respective Plenipotentiaries have signed this Additional and Secret Article, and have hereunto affixed our seals respectively. Done in Quintuplicate at the City of Guadalupe Hidalgo on the second day of February, in the year of Our Lord one thousand eight hundred and forty-eight.

N. P. Trist [SEAL]
Luis G. Cuevas [SEAL]
Bernardo Couto [SEAL]
Mig Atristain [SEAL]

[3] TS 208, *post*, p. 812.

[4] TS 500, *post*, p. 927

[5] For a detailed study of this treaty, see 5 Miller 207.

[6] For text of military convention signed Feb. 29, 1848, see *post*, p. 807.

[7] The phrase "and the ratifications exchanged" was added by the United States amendments.

[8] For an amendment to art. V, see treaty of Dec. 30, 1853 (TS 208), *post*, p. 812.

[9] For a reproduction of the Disturnell map, see 5 Miller (inside back cover).

[10] For a reproduction of the plan of the Port of San Diego, see 5 Miller (opposite p. 236).

[11] For amendments to arts. VI and VII, see treaty of Dec. 30, 1853 (TS 208), *post*, p. 814.

[12] The United States amendment of art. IX substituted a new text. The text of art. IX as signed reads as follows: "The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceeding Article, shall be incorporated into the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights of citizens of the United States. In the mean time, they shall be maintained and protected in the enjoyment of their liberty, their property, and the civil rights now vested in them according to the Mexican laws. With respect to political rights, their condition shall be on an equality with that of the inhabitants of the other territories of the United States; and at least equally good as that of the inhabitants of Louisiana and the Floridas, when these provinces, by transfer from the French Republic and the Crown of Spain, became territories of the United States.

"The same most ample guaranty shall be enjoyed by all ecclesiastics and religious corporations or communities, as well in the discharge of the offices of their ministry, as in the enjoyment of their property of every kind, whether individual or corporate. This guaranty shall embrace all temples, houses and edifices dedicated to the Roman Catholic worship; as well as all property destined to it's support, or to that of schools, hospitals and other foundations for charitable or beneficent purposes. No property of this nature shall be considered as having become the property of the American Government, or as subject to be, by it, disposed of or diverted to other uses.

"Finally, the relations and communications between the Catholics living in the territories aforesaid, and their respective ecclesiastical authorities, shall be open, free and exempt from all hindrance whatever, even although such authorities should reside within the limits of the Mexican Republic, as defined by this treaty; and this freedom shall continue, so long as a new demarcation of ecclesiastical districts shall not have been made, conformably with the laws of the Roman Catholic Church."

[13] Art. X, stricken out by the United States amendments, reads as follows:

"All grants of land made by the Mexican Government or by the competent authorities, in territories previously appertaining to Mexico, and remaining for the future within the limits of the United States, shall be respected as valid, to the same extent that the same grants would be valid, if the said territories had remained within the limits of Mexico. But the grantees of lands in Texas, put in possession thereof, who, by reason of the circumstances of the country since the beginning of the troubles between Texas and the Mexican Government, may have been prevented from fulfilling all the conditions of their grants, shall be under the obligation to fulfill the said conditions within the periods limited in the same respectively; such periods to be now counted from the date of the exchange of ratifications of this treaty: in default of which the said grants shall not be obligatory upon the State of Texas, in virtue of the stipulations contained in this Article.

"The foregoing stipulation in regard to grantees of land in Texas, is extended to all grantees of land in the territories aforesaid, elsewhere than in Texas, put in possession under such grants; and, in default of the fulfilment of the conditions of any such grant, within the new period, which, as is above stipulated, begins with the day of the exchange of ratifications of this treaty, the same shall be null and void.

"The Mexican Government declares that no grant whatever of lands in Texas has been made since the second day of March one thousand eight hundred and thirty six; and that no grant whatever of lands in any of the territories aforesaid has been made since the thirteenth day of May one thousand eight hundred and forty six."

[14] Abrogated by treaty of Dec. 30, 1853 (TS 208), *post*, p. 814.

[15] The United States amendments called for deletion, at the end of this paragraph, of the phrase "nor to provide such Indians with fire-arms or ammunition by sale or otherwise".

[16] The following words were deleted at this place in accordance with the United States amendments:

. . . , "in the one or the other of the two modes below specified. The Mexican Government shall, at the time of ratifying this treaty, declare which of these two modes of payment it prefers; and the mode so elected by it shall be conformed to by that of the United States.

"First mode of payment: Immediately after this treaty shall have been duly ratified by the Government of the Mexican Republic, the sum of three Millions of Dollars shall be paid to the said Government by that of the United States at the city of Mexico, in the gold or silver coin of Mexico. For the remaining twelve millions of dollars, the United States shall create a stock, bearing an interest of six per centum per annum, commencing on the day of the ratification of this Treaty by the Goverment of the Mexican Republic, and payable annually at the city of Washington: the principal of said stock to be redeemable there, at the pleasure of the Government of the United States, at any time after two years from the exchange of ratifications of this treaty; six months public notice of the intention to redeem the same being previously given. Certificates of such stock, in proper form, for such sums as shall be specified by the Mexican Government, and transferable by the said Government, shall be delivered to the same by that of the United States.

"Second mode of payment:"

[17] The following concluding sentence was deleted from this paragraph in accordance with the United States amendments: "Certificates in proper form, for the said instalments respectively, in such sums as shall be desired by the Mexican Government, and transferable by it, shall be delivered to the said Government by that of the United States."

[18] TS 205, *ante*, p. 783.

[19] TS 206, *ante*, p. 788.

[20] TS 203, *ante*, p. 764.

[21] The phrase "or at the seat of government of Mexico" was added by the United States amendments.

"We, the People of the United States, in Order to form a more perfect Union . . ."

US ENGLISH

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Sen. S.I. Hayakawa
Honorary Chairman

John Tanton, MD
Chairman

Gerda Bikales
President

TESTIMONY ON F.Y. 1984 APPROPRIATIONS
FOR BILINGUAL EDUCATION
PRESENTED BY GERDA BIKALES, PRESIDENT
U.S.ENGLISH
MAY 24, 1983

I greatly appreciate the opportunity to present our views on FY 84 funding for bilingual education programs.

U.S.English is a new public interest organization, founded earlier this year to protect our common language from further erosion in public usage.

The American people have serious misgivings about bilingual education. Our files are replete with letters from teachers at every level of instruction — from kindergarten to university — telling of the problems engendered by bilingual education programs. At the very least, bilingual education retards the acquisition of English language skills, and the integration of the students into the American mainstream. Inevitably, it confuses both the student and the parents. Newcomers to the United States can't be expected to understand the ways of this country, and they look to the public schools to tell them unequivocally what is expected of them in America. When the children continue to be taught in the language of origin, we give them and their parents very ambiguous signals, which may well lead them to conclude that English is perhaps not essential, after all.

Tragically, these programs keep young immigrant pupils in segregated classrooms, for long periods of time, cut off from interaction with their American peers, doomed to remain forever strangers in their new country.

Earlier this month, the prestigious Twentieth Century Fund, after a thorough review of bilingual teaching, found these programs to be ineffective, and recommended that they be eliminated and replaced by English language immersion programs.

Bilingual education, as practiced, has little to do with education, but has everything to do with vested interest politics. Generous funding by the federal government and by the states has produced a vast bilingual education industry, with its own momentum for perpetuation and expansion. In February of this year, the National Association for Bilingual Education — the major consortium of the bilingual industry — held their annual conference in Washington. The overall conference theme was "Bilingualism: In the National Interest."

This theme should be of more than casual interest to those elected to guide the nation's future. It is no longer bilingual education we are talking about here, but a quantum jump has been made to "bilingualism," plain and simple. We are told categorically that bilingualism is in the national interest. There is no question mark after this assertion. We are presented with a fait accompli.

An interesting feature of the NABE conference was the Parent Institute. Parents of children in bilingual education programs were brought to Washington, many at taxpayers' expense, to be taught how to lobby for more bilingual education funding. This is clearly improper use of public funds, and an indication that the amount of money flowing into bilingual programs is manifestly too high.

The federal budget we are discussing today will leave us with the largest deficit in our history. For this reason alone, if no other, every expenditure must be scrutinized more carefully than ever before, and questions must be raised about its effectiveness in relation to its stated purpose.

Until now, bilingual education has been controversial, but it has been strangely immune from critical budgetary reevaluation, when compared to other essential services. Last year, for example, the Congress added about 40% to the revised budget proposed by the President.

We urge this Committee, and indeed the Congress at large, to lower the funding level for bilingual education for FY 84. We do so for the following reasons:

1. The results achieved through this costly method of teaching are not demonstrably better than those achieved through more standard curricula that offer additional English language instruction for those who don't speak our language.

On the other hand, the social isolation of students placed for long periods in bilingual classrooms removed from their American counterparts is definitely undesirable, and would be unacceptable even if academic results were more encouraging than they are.

2. The program was granted $138 million for this fiscal year, under the assumption that 3.6 million children in the nation's schools are unable to function in a regular English language classroom. However, it now seems clear that this figure is grossly inflated. New estimates of the true size of this population give us a figure of about 1.2 million students. (See study by Robert E. Barnes, Policy Analyst, U.S. Department of Education, "Size of the Eligible Language Minority Population.")

If the size is about one-third of what it had previously been believed to be, one can logically make the case for substantial reductions from present funding levels. We would therefore propose an appropriation of $46 million, which is one-third of current allocation.

3. The funds saved should be reallocated for improved and greatly expanded foreign language programs for American students at all levels — elementary, secondary, and university.

Deliberate confusion has been planted to the effect that bilingual education for those of limited English language proficiency can be equated with the building of a citizenry literate in strategic foreign languages. This is by no means the case. Bilingual teaching keeps the child whose home language is not English in confusion about which language is the foreign one — the job of American society must be to end that confusion as soon as possible. The child's energies must be wholly channeled into learning English, which will allow him or her to gain a sense of belonging in our midst. If he can somehow also retain his first language (as many immigrants do) and become truly literate in it, so much the better, for the child and for everyone else as well. However, this cannot be done at the price of alienation from the larger society. If the immigrant child does not fully master English, and become an integral part of American society, then the value of his or her knowledge of the foreign language is virtually lost to our country.

What we have in mind is a program much like that proposed in H.R.2708, sponsored by Congressman Paul Simon. This legislation would allocate resources to stimulate the study of critical foreign languages.

In view of our misgivings about bilingual education, why do we advocate any allocation of public funds at all? I would like to address this question for a moment.

First of all, we are not fanatics. In some localities, where quality bilingual teachers are already available, a program of short-term instruction that uses the child's home language to help him for the first few months would seem acceptable. Also, some of this money will hopefully be spent for alternative methods of teaching immigrant children.

Finally, there is a law on the books regarding the educational needs of children who don't know English, and we have a responsibility to fund it. It is our hope that this law will soon be amended to encourage different approaches to teaching immigrant children, and to make it an instrument for their prompt acculturation to American society, rather than their permanent alienation from it.

I thank you for this opportunity to present our views, and hope that you will keep our recommendation in mind as you deliberate the funding of bilingual education programs.

Presentation to
1984 Republican Platform Committee

by

U.S.ENGLISH
Gerda Bikales, Executive Director

April 17, 1984

* * *

The Republican Party is currently deliberating a national platform that will serve the best interests of this nation and of its candidates for national office. We take this opportunity to contribute ideas for inclusion in the platform.

Like most important proposals, ours are truly non-partisan — that is, they are civic rather than political in character. However, the party that displays the political courage to embrace them and incorporate them into its platform is certain to reap great political advantage from its actions.

We have convincing evidence to back up this statement. U.S.ENGLISH was founded in 1983 as a national public interest organization by former Senator Hayakawa, to counterbalance the movement toward a bilingual society. In the short time since we opened our doors, we have acquired 35,000 members, and we expect to double that number by year's end. In addition, we have a roster of well over 200,000 people who have identified themselves in support of our objectives. This phenomenal growth reflects the depth and breadth of sentiment for our objective — the protection of English, our common language and strongest bond, which has unfortunately been placed in competition with other languages vying for official recognition.

These, in brief, are our proposals:

A. A CONSTITUTIONAL AMENDMENT TO DECLARE ENGLISH THE OFFICIAL LANGUAGE OF THE UNITED STATES

(See supporting document A1)

B. REPEAL OF LAWS MANDATING FOREIGN LANGUAGE VOTING BALLOTS

(See supporting document B1)

C. AMEND THE BILINGUAL EDUCATION ACT TO ALLOW FOR GREATER FLEXIBILITY IN TEACHING CHILDREN WHO DON'T SPEAK ENGLISH

(See supporting document C1)

* * * * * *

We are most grateful for the chance to present these important issues to you. From our experience, we can unequivically assure you that they are perceived as matters of the highest priority by rank-and-file Americans everywhere. We hope that you will give them serious consideration, and include them in the 1984 Republican Party Platform.

We'll be pleased to answer any questions, and to assist the Committee in any way it wishes.

US ENGLISH
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FACT SHEET

ENGLISH LANGUAGE AMENDMENT TO THE CONSTITUTION

What is the English Language Amendment?

The English Language Amendment was first introduced in 1981 by former Senator S.I. Hayakawa (see reverse side for excerpts of his statement introducing the ELA). The 98th session of Congress has two versions of the English Language Amendment, S.J. Res. 167 and H.R. Res. 169. S.J. Res. 167 reads as follows:

"Section 1. The English language shall be the official language of the United States.

"Section 2. The Congress shall have the power to enforce this article by appropriate legislation."

The House version, H.R. Res. 169, adds the following paragraphs between the first and last sections:

"Section 2. Neither the United States nor any State shall require by law, ordinance, regulation, order, decree, program, or policy, the use in the United States of any language other than English.

"Section 3. This article shall not prohibit any law, ordinance, regulation, order, decree, program or policy requiring educational instruction in a language other than English for the purpose of making students who use a language other than English proficient in English."

What Would the ELA Do?

1. It would establish English as the official language of Federal, State and local governments throughout the United States.

2. It would bring official recognition to the principle that a common language is necessary to preserve the basic internal unity required for political stability and national cohesion.

3. It would prevent governments from mandating multilingual postings or publications.

4. An ELA would reaffirm the importance of English in our national life. It would clarify to newcomers that learning English is indispensable for full participation in American society and economy.

5. It would reaffirm that we are truly "one Nation...indivisible..."

What Wouldn't the ELA Do?

1. The ELA would not prohibit or discourage the use of foreign languages and cultures in private contexts, such as in homes, churches, communities, private organizations, commerce, and private schools.

(over)

2. It would not prohibit the teaching of foreign languages in the nation's public schools or colleges, nor would it prohibit foreign language requirements in academic institutions.

3. It would not prevent the use of foreign languages for public convenience and safety.

4. It would not prohibit short-term transitional bilingual education programs.

The above statements are based on the studied views of ELA sponsors Senator Huddleston, Congressman Shumway, and other ELA supporters. As with any legislation, the interpretation must be based on legislative history and the intent of the legislators. As with other Constitutional Amendments, the courts will over time clarify its applications.

Excerpt from the Congressional Record, April 27, 1981:

"PROPOSED CONSTITUTIONAL AMENDMENT WITH RESPECT TO PROCEEDINGS AND DOCUMENTS IN THE ENGLISH LANGUAGE

"Mr. HAYAKAWA. Mr. President, language is a powerful tool. A common language can unify; separate languages can fracture and fragment a society. The American "melting pot" has succeeded in creating a vibrant new culture among peoples of many different cultural backgrounds largely because of the widespread use of a common language, English.

"Learning English has been the primary task of every immigrant group for two centuries. Participation in the common language has rapidly made available to each new group the political and economic benefits of American society. Those who have mastered English have overcome the major hurdle to full participation in our democracy.

"Today I am introducing a constitutional amendment declaring as the law of the land what is already a political and social reality: That English is the official language of the United States.

"This amendment is needed to clarify the confusing signals we have given in recent years to immigrant groups. For example, the requirements for naturalization as a U.S. citizen say you must be able to "read, write, and speak words in ordinary usage in the English language." And though you must be a citizen to vote, some recent legislation has required bilingual ballots in some areas. This amendment would end that contradictory, logically conflicting situation."

"I am proposing this amendment because I believe that we are being dishonest with linguistic minority groups if we tell them they can take full part in American life without learning the English language. We may wish it were otherwise, but it is simply not so. As the son of an immigrant to an English-speaking country, I know this from personal experience. If I spoke no English, my world would be limited to the Japanese-speaking community, and no matter how talented I was, I could never do business, seek employment, or take part in public affairs outside that community."

"The ability to forge unity from diversity makes our society strong. We need all the elements, Germans, Hispanics, Hellenes, Italians, Chinese, all the cultures that make our Nation unique. Unless we have a common basis for communicating and sharing ideas, we all lose. The purpose of this proposal is to insure that American democracy always strives to include in its mainstream everyone who aspires to citizenship, to insure that no one gets locked out by permanent language barriers."

(3/30/84)

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FACT SHEET

BILINGUAL VOTING BALLOTS

What Is The Issue?

In 1975, with little public discussion and virtually no input from the American public, amendments mandating foreign language ballots were added to the Voting Rights Act. Foreign language ballots are now required in places where (1) more than five percent of a jurisdiction's citizens of voting age are members of a specified language minority group, and (2) their illiteracy rate is higher than the national rate. The law affects 505 counties in 30 states. Only Spanish, Native American and Asian Pacific languages are targeted in the law.

The Proposal:

Opponents of federally mandated voting in foreign languages want this law repealed. The case for repeal is based on the following considerations:

*Bilingual ballots are deeply resented by earlier immigrants who had to learn English in order to participate in the political process.

*Bilingual ballots are highly symbolic of the official recognition won by other languages, in competition with English.

*Bilingual ballots dissolve the traditional bond between English and citizenship.

*Bilingual ballots are unnecessary, as virtually all applicants for U.S. citizenship must pass an examination demonstrating knowledge of simple English.

*Bilingual ballots are costly. While the cost of English ballots is usually less than $2.00 per registered voter, non-English ballots range from $6.00 upwards. The City of San Francisco spent about $150,000 for bilingual ballots in 1983; in another case, a county spent $6,619 producing foreign language ballots and not a single one was used.

BILLS AND ACTIONS TO MONITOR

In November, 1983, 63 percent of the voters in San Francisco approved an initiative urging that federal law be amended so that ballots, voters' pamphlets, and all other official voting materials be printed in English only. A similar effort is now underway statewide in California.

Two bills to repeal the provisions of the Voting Rights Act that mandates foreign language ballots have been introduced in the House, one in the Senate. They are H.R. 4429, sponsored by Congressman William Thomas (R CA), H.R. 4917, sponsored by Congressman Robert Badham (R CA), and S. 2488, sponsored by Senator Burdick (D ND).

(3/30/84)

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FACT SHEET

BILINGUAL EDUCATION ACT REVISIONS

The Bilingual Education Act, also known as Title VII of the Elementary and Secondary Education Act, is up for reauthorization in 1984. This presents an opportunity for reassessment of the Act, which has become increasingly controversial and politicized since its original enactment in 1969.

To assist children of limited English proficiency integrate more fully and rapidly into the regular school curriculum, U.S.ENGLISH proposes the following changes:

1. The name of the Act should reflect the primary purpose of the legislation, which is not to run programs for these students in native languages, but to teach them English so that they can function in the schools. The name of the Act, therefore, should be changed to "The English Language Acquisition Opportunity Act". The name of the office in the Department of Education administering the Act should be changed to the "Office of English Language Acquisition", and the National Advisory Council on Bilingual Education should be renamed the "National Advisory Council on English Language Acquisition". Its composition should be broadened to reflect the interest of the public-at-large in the education of our immigrant children.

2. Despite enormous amounts of money, time, and effort spent on bilingual education, there is no convincing evidence to prove that this is the best--and certainly not the only--method for teaching children of limited English proficiency. It is time to end the monopoly granted bilingual education programs in the federal law, and to open the educational process to other approaches, including structured immersion and English-as-a-Second Language programs.

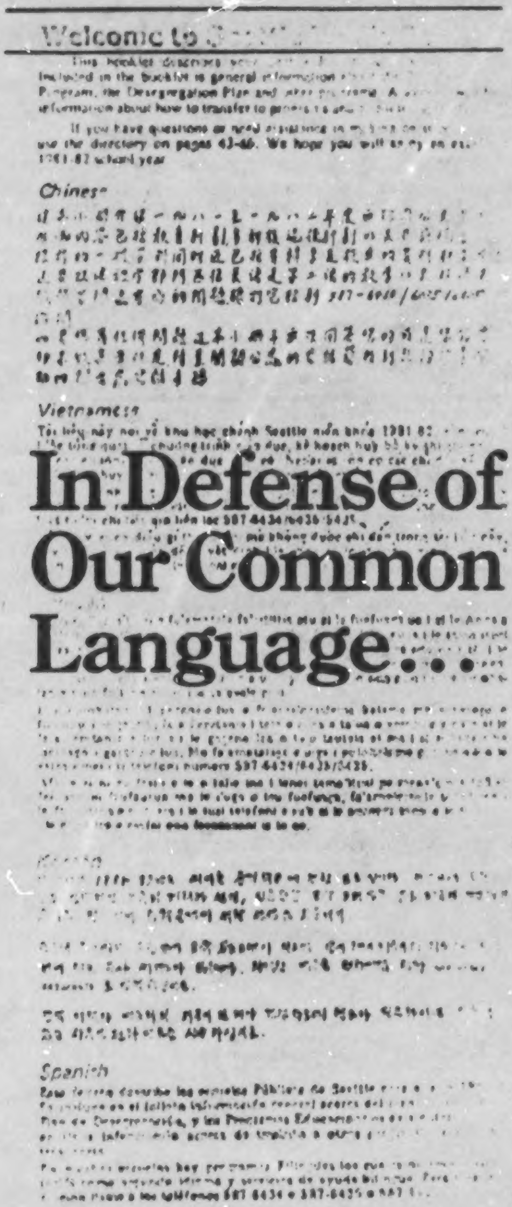
3. The "bicultural education" requirement should be removed from the law. Culture is the province of the family, of the church, of the voluntary sector. The role of the public school is to inculcate in the new generation of Americans the civic culture we all share.

4. Students in programs funded under Title VII are permitted an indefinite period of time to make the transition from the bilingual to the regular classroom. As in incentive for the local school districts to find the most effective method of teaching English, a two year limitation on the use of Title VII monies for any one student's bilingual education is proposed.

5. The original Bilingual Education Act called for innovative and imaginative programs. In that spirit, the Act should designate specific funding for research and demonstration projects on using television for teaching English to children and adults.

6. Authorization levels for English language acquisition programs should not exceed $200,000,000. Appropriations above the current amount of $139,000,000 are not difficult, clearly, those proposals that suggest authorizations of a half-billion dollars should not be considered.

(4/11/84)



In Defense of Our Common Language...

Welcome to
Chinese
Vietnamese
Spanish

BEST COPY AVAILABLE

English, Our Common Bond

Throughout its history, the United States has been enriched by the cultural contributions of immigrants from many traditions, but blessed with one common language that has united a diverse nation and fostered harmony among its people.

As much by accident as by design, that language is English. Given our country's history of immigration and the geography of immigrant settlements, it might have been Dutch, or French, or Spanish, or German; or it might have been two languages, as is the case in Canada, our neighbor to the North.

But English prevailed, and it has served us well. Its eloquence shines in our Declaration of Independence and in our Constitution. It is the living carrier of our democratic ideals.

English is a world language which we share with many other nations. It is the most popular medium of international communication.

The Spread of Language Segregation

The United States has been spared the bitter conflicts that plague so many countries whose citizens do not share a common tongue. Historic forces made English the language of *all* Americans, though nothing in our laws designated it the official language of the nation.

But now English is under attack, and we must take affirmative steps to guarantee that it continues to be our common heritage. Failure to do so may well lead to institutionalized language segregation and a gradual loss of national unity.

The erosion of English and the rise of other languages in public life have several causes:

- Some spokesmen for ethnic groups reject the "melting pot" ideal; they label assimilation a betrayal of their native cultures and demand government funding to maintain separate ethnic institutions.
- Well-intentioned but unproven theories have led to extensive government-funded bilingual education programs, ranging from pre-school through college.
- New civil rights assertions have yielded bilingual and multilingual ballots, voting instructions, election-site counselors, and government-funded voter registration campaigns aimed solely at speakers of foreign languages.
- Record immigration, concentrated in fewer language groups, is reinforcing language segregation and retarding language assimilation.
- The availability of foreign language electronic media, with a full range of news and entertainment, is a new disincentive to the learning of English.

U.S.English: A Timely Public Response

In 1981, Senator S.I. Hayakawa, himself an immigrant and distinguished scholar of semantics, proposed a Constitutional Amendment designating English as the official language of the United States. Senator Hayakawa helped found **U.S.English** in 1982 to organize and support a citizens' movement to maintain our common linguistic heritage.

U.S.English is committed to promoting the use of English in the political, economic, and intellectual life of the nation. It operates squarely within the American political mainstream, and rejects all manifestations of cultural or linguistic chauvinism.

Our Guiding Principles

Our goal is to maintain the blessings of a common language—English—for the people of the United States.

These principles guide us:

- In a pluralistic nation such as ours, government should foster the similarities that unite us, rather than the differences that separate us.
- The nation's public schools have a special responsibility to help students who don't speak English to learn the language as quickly as possible.
- Quality teaching of English should be part of every student's curriculum, at every academic level.
- The study of foreign languages should be strongly encouraged, both as an academic discipline and for practical, economic, and foreign policy considerations.
- *All* candidates for U.S. citizenship should be required to demonstrate the ability to understand, speak, read and write simple English, and basic comprehension of our system of government.
- The rights of individuals and groups to use other languages and to establish *privately funded* institutions for the maintenance of diverse languages and cultures must be understood and respected in a pluralistic society.

What Others Are Saying

"We have room for but one language here and that is the English language, for we intend to see that the crucible turns our people out as Americans, of American nationality, and not as dwellers in a polyglot boarding house."

Theodore Roosevelt

"People can live with language differences, as Switzerland has shown. But if these differences are politicized, as for example in Belgium, Canada and Sri Lanka, a nation can be torn apart. Sri Lanka has decided on English as a national language, so that speakers of Sinhalese and Tamil can communicate with one another and with the world outside. Can we not be warned by the experience of other nations? Can we not unite on English as our national language by law as well as by custom so that our nation shall not be torn asunder in the decades and centuries to come?"

S.I. Hayakawa

". . . the valid historical basis and modern rationale for conducting governmental affairs in English is clear: the national language of the United Sates is English."

Judge Edward R. Neaher, United States District
Court, Eastern District of New York

"You can be born here in a Cuban hospital, be baptized by a Cuban priest, buy all your food from a Cuban grocer, take your insurance from a Cuban bank. You can get all the news in Spanish—read the Spanish daily paper, watch Spanish TV, listen to Spanish radio. You can go through life without having to speak English at all. . . . It works because citizenship is what makes us all American. Language is not necessary to the system. Nowhere does the Constitution say that English is our language."

Mayor Maurice Ferre of Miami,
in Esquire *Magazine, May 1983*

"Let's face it: we are not going to be a totally English-speaking country anymore."

Aurora Helton, Oklahoma Governor's
Hispanic Advisory Committee

"I feel like a stranger in a strange land, and I'm a native Floridian!"

Citizen of Miami, in letter to talk show
host Neil Rogers, May 1980

"Look! They are one people and there is one language for them all. . . Come now! Let us go down and there confuse their language that they may not listen to one another's language."

Genesis 11:6–7

Our Action Program

U.S.English actively works to reverse the spread of foreign language usage in the nation's official life. Our program calls for:

- Adoption of a Constitutional Amendment to establish English as the official language of the United States.
- Repeal of laws mandating multilingual ballots and voting materials.
- Restriction of government funding for bilingual education to short-term transitional programs only.
- Universal enforcement of the English language and civics requirements for naturalization.

Towards these ends, **U.S.English** serves as a national center for consultation and cooperation on ways to defend English as the sole official language of the United States. It directs its efforts to alerting the American people on the dangers of bilingualism; educating opinion leaders on the long-term implications of language segregation; securing more balanced treatment of the issue in the media; and encouraging research on improved methods of teaching English.

We Need Your Help

U.S.English welcomes to membership all people who are concerned about the prospect of entrenched language segregation and the possibility of losing our strongest national bond.

We hope that you will join us and defend our common language against misguided policies that threaten our national unity.

US ENGLISH

U.S.English is a national, non-profit, non-partisan organization. It was founded to defend the public interest in the growing debate on bilingualism and biculturalism. **U.S.English** welcomes to membership all who agree that English is and must remain the only official language of the people of the United States.

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U.S.English is a project of The Futures Workshop. The Workshop is a voluntary association of public interest groups sharing overhead and organizational skills for greater cost effectiveness.

All contributions to **U.S.English** are fully tax-deductible.

Up•date

\əp′dāt\n 1. an information exchange on the English language bond of the American people. 2. a periodic publication of **U.S.ENGLISH.**

Volume II, No. 5

June – July 1984

California Initiative on Foreign Language Voting Qualifies

An initiative drive organized by the California Committee for Ballots in English (C.C.B.E.), which would give Californians an opportunity to petition Congress for a return to voting in English-only, has qualified and will be on the November ballot. The Committee turned in a total of 626,000 signatures in time for the May 29 deadline—more than 200,000 signatures above the required 425,000. *U.S.ENGLISH* members worked actively in the campaign, and remarked repeatedly on the enthusiastic reception they encountered wherever they solicited signatures.

Although the initiative is advisory in character and its passage will not immediately curtail the distribution of foreign language ballots (these are mandated by federal law, and can only be rescinded by Congress), it is certain that a "yes" vote for English-only elections will register strongly across the nation, and will attract serious attention in Washington.

Dr. Hayakawa, honorary chairman of *U.S.ENGLISH* and of the C.C.B.E., foresees a lively debate on the whole issue. "Californians will be the first citizens in the nation to have an opportunity to express their views on voting in foreign languages. We hope that they will vote to uphold the unique status of our common language, and the idea that some knowledge of English is a prerequisite to full participation in political life."

Senate Holds Historic Hearings On English Language Amendment

The first Congressional hearings on an amendment to designate English the official language of the United States took place on June 12. They were held in the Senate Subcommittee on the Constitution, under the Chairmanship of Senator Orrin Hatch (R-UT). The English Language Amendment was initially introduced three years ago by former Senator S.I. Hayakawa, a somewhat different version of the Amendment was introduced this year by Senator Walter Huddleston (D-KY) in the Senate, and by Congressman Norman Shumway (R-CA) in the House. The Huddleston version of the Amendment (S.J.Res. 167) reads:

"Section I. The English language shall be the official language of the United States."

"Section II. The Congress shall have the power to enforce this article by appropriate legislation."

Senators Huddleston and Hayakawa testified at the hearing, as did two co-sponsors of the bill, Senators Quentin Burdick (D-ND) and Steven Symms (R-ID). Representative Norman Shumway also presented a statement in support of the ELA. Another Congressional witness was Baltasar Corrada, the Resident Commissioner of Puerto Rico, who is also vice-chairman of the Congressional Hispanic Caucus. Mr. Corrada opposed the Amendment.

Gerda Bikales, executive director, delivered the testimony for *U.S.ENGLISH*. Speaking against the Amendment was Arnoldo Torres, executive director of the League of United Latin American Citizens.

U.S.ENGLISH chairman John Tanton commented that "these hearings are a historic occasion. I am sure that future generations of graduate students in history and politics will analyze the hearing record, to learn about our times and about the movement to strengthen national unity."

Excerpts from statements presented at the hearing can be found inside the newsletter.

U.S.ENGLISH Makes Presentation To Party Platform Committees

U.S.ENGLISH presented the case for the defense of our common language before the national platform committees of the Republican and Democratic parties. Urging that the adoption of the English Language Admendment, the repeal of mandated multilingual voting, and improvements in bilingual education be included in the parties' platforms this election year, the statement assured Committee members that "like most important proposals, ours are truly non-partisan—they are *civic* rather than *political* in character. However, the party that displays the political courage to embrace them and incorporate them into its platform is certain to reap great political advantage from this action."

U.S.ENGLISH Testifies On Bilingual Education Appropriations

Gerda Bikales, executive director, presented the *U.S.ENGLISH* viewpoint on Fiscal Year 1985 bilingual education funding needs. In appearances before the relevant House and Senate Appropriation Subcommittees, Ms. Bikales urged that the funding level not exceed $100 million next

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year. The 1984 appropriation is $139 million, and the Administration has proposed the same funding level for next year.

Ms. Bikales cited a number of other federal programs which provide dollars for bilingual education, including the Vocational Education Act, the Refugee Education Act, the Indian Education Act, the Migrant Education Act, Head Start, Title XX pre-school offerings. Title I funds, originally intended for for the education of disadvantaged students, are increasingly diverted to bilingual education. In addition, a bill to provide more money to school systems heavily impacted by immigration is now making its way through Congress, and could become still another significant resource for bilingual programs. Thus, the true federal expenditure for bilingual education is far in excess of the Title VII appropriation. Title VII is also known as "The Bilingual Education Act".

U.S.ENGLISH was the only public interest organization to testify in favor of funding restraints for this program. The National Association for Bilingual Education and the National Puerto Rican Coalition requested increases of $25-$35 million for FY 85.

An Independent Report On "National Association For Bilingual Education" Meeting

Last February, the U.S. Department of Educction, Office of Bilingual and Minority Affairs (OBEMLA), contracted with an independent Washington-based consulting firm, Market Growth, Inc., to report on the 13th Annual International Bilingual Education Conference of the National Association for Bilingual Education, held in San Antonio, April 4-7. The Conference theme was "Bilingual Education: Developing Partnerships With Industry and Government".

The described objective of the consultant report was to provide OBEMLA with feedback on the major issues, raised at the Conference, that are within the purview of that Office's concerns. The report is now ready. The following sections are quotations from it:

"With the exception of the Closing General Session, at which Dr. Jesse Soriano, Director of OBEMLA, was the keynote speaker, every General Session, Major Session, and Symposium advocated a greater role of the Federal Government in Education, specifically Bilingual Education programs. Most speakers expounded at length on the need for, and the eventuality of, a multilingual, multicultural United States of America with a National language policy, citing English and Spanish as the two "legal languages." Present Civil Rights and general Administration program funding were attacked at great length as unresponsive to these goals."

"At each of the first three General Sessions, signature lists were passed throughout the audience. These lists authorized the Co-op Legislative Information Program, 500 NE 50th Street, Miami, Florida, 33137, to charge telegrams to each signer's phone number (minimum amount of $4.25 per telegram) in support of positive state and federal legislation relating to Bilingual Education and equity matters. The initial goal was 2000 authorizations."

"As of Saturday, the NABE President-elect, Dr. Sarah E. Melendez, stated that approximately 2500 signatures had been obtained."

"Civil Rights legislation, enforcement, the new Civil Rights Commission and future court test possibilities were attacked at General, Major, Concurrent Sessions and Symposia. All major speakers and presenters advocated, in fact, a segregated approach until such time as a non-integrated, separately recognized society is prevalent with "equal benefits" and governmental approaches for those separate cultural and linguist (sic) groups."

"The one link to the second part of the published theme, "Developing Partnerships with Industry", was a constant recurrent charge that the United States cannot remain a world power without Bilingual/Bicultural changes within. A specific charge that our international trade deficit is a result of a monolinguistic approach was made repeatedly; that without the policies NABE advocates, the United States can never again deal internationally, nor successfully, either as a government or in private industry."

Copies of the full report may be requested from Mr. Vidal Rivera, Office of Bilingual Education and Minority Affairs, U.S. Department of Education, 400 Maryland Avenue S.W., Washington, D.C. 20202

The organizers and attendees of the NABE Conference are virtually all bilingual education teachers, administrators, researchers, etc. whose salaries are paid with public funds. The National Association for Bilingual Education enjoys tax-deductible status, as a non-profit, non-partisan, non-political organization.

The Bilingual Education Act "Compromise"

The Bilingual Education Act is up for reauthorization this year, which traditionally involves a process of review and adjustment of the legislation. In deciding the future course of bilingual education, members of the House Committee on Education and Labor had a choice of simply renewing the Act (which is also known as Title VII), of accepting the Administration sponsored proposals to allow funding for other methods of instruction (such as structured immersion, E.S.L., etc.), or of going with H.R. 5231, introduced this spring by Representatives Dale Kildee (D-MI) and Puerto Rican Resident Comissioner Baltasar Corrada. The Kildee-Corrada bill seeks to enlarge the constituencies and the funding levels for bilingual education programs.

Committee members reported favorably out of Committee a "compromise" version of the Kildee-Corrada bill: 4% of the first $140 million appropriated for Title VII, and 50% of any appropriations above that figure, can be used for alternative teaching methods—up to a maximim of 10% of the total appropriation.

Below are examples of monies available for alternative instruction at various appropriation levels under the compromise formula:

—$140 million: $5.6 million for alternative programs
—$150 million: $10.6 million for alternative programs
—$200 million: $20.0 million for alternative programs

Representative William F. Goodling (R-PA) and several other members of the Committee objected to the "compromise". Said Mr. Goodling: "We mandate the use of only one type of instruction—to me that is frightening. That has to be the worst thing we can do." While other Committee members agreed with Goodling that there was no one best method to instruct limited English-speaking children, only Mr. Goodling voted against the bill that was reported by the Committee.

U.S.ENGLISH has indicated it's disagreement with the "compromise".

There has been no Senate action on reauthorization.

Excerpts From Testimony Presented At Hearings On The English Language Amendment,

June 12, 1984

Senator Walter Huddleston, sponsor of the English Language Amendment (S.J. Res. 167):

"This Amendment addresses something so fundamental to our sense of identity as Americans that some, who are in full agreement with the objectives, may nevertheless question the necessity for such an Amendment. So widely held is the assumption that English is already our national language, that the notion of stating this in the Constitution may seem like restating the obvious. However, I can assure you that this is not the case and that the need for a Constitutional Amendment grows stronger every day."

Senators Hayakawa and Huddleston at Senate hearings, June 12.

"For over two hundred years, the United States has enjoyed the blessings of one primary language that is spoken and understood by most of its citizens. The previously unquestioned acceptance of this language by immigrants from every linguistic and cultural background has enabled us to come together and prosper as a people. It has allowed us to discuss our differences, to argue about our problems and to compromise on solutions. Moreover, it has allowed us to develop a stable and cohesive society that is the envy of many fractured ones, without imposing any strict standards of homogeneity."

"Statistics show a disconcerting trend away from the common use of English. In 1975, the Bureau of the Census reported that about 8 million people in this country used a language other than English in their households. When the census was conducted in 1980, the number of people who spoke a language other than English at home was found to be over 22 million. Although these numbers are subject to many interpretations, to me they indicate that the melting pot is not working as it once did."

Senator Quentin Burdick (D-ND), co-sponsor of the ELA:

"In our differences lie our strength and personal pride. But in our differences also lurks the potential for unmanageable and irreconcilable division. We need only to look to our neighbor to the North to see what two official languages can do to a country… Establishing English as the official language of this country now would avert insurmountable problems in the future."

"The definition for the United States citizen should include a knowledge of—if not mastery of—English. The ELA helps write and enforce that definition. Without it, our problems concerning national unity and ethnic diversity have not yet begun. With it, such problems can be prevented."

Senator Steve Symms (R-ID), co-sponsor of the ELA:

"The Amendment pre-empts any further attempts to politicize language. It would not threaten the venerable American tradition of polyculturalism. Ironically, only a common tongue can preserve that tradition. Only a common tongue can bind together a nation made up of so many little nations."

Dr. S.I. Hayakawa, who as Senator from California introduced the original ELA in 1981:

"Of course one should, where possible, preserve one's background heritage, but for all of us Americans transplanted here from another culture, that is our second task, not our first. Our first is to learn the language of America, the social imperatives of being an American, the attitudes and customs that shape the American personality, the behavior that makes a good American citizen. Much of this is learned in schools—in classes conducted in English. It is also learned in association with other children with other backgrounds. It is learned through participation in sports. It is also learned through the mass media—radio and television and movies. On top of all of this, most immigrant families teach something to their children about the language and culture of the country they came from. But the principal task of immigrant Poles in Buffalo, immigrant Germans in Milwaukee, immigrant Mexicans in Los Angeles, refugee Vietnamese in Arlington, Virginia, is to become Americans."

Congressman Norman Shumway at ELA hearings.

Representative Norman Shumway, sponsor of the English Language Amendment in the House of Representatives:

"...Government-sponsored programs such as multilingual ballots and bilingual education, while well intentioned, have become linguistic barriers which impede the process of assimilation of our nation's growing immigrant population. Such programs are truly a great disservice to America's immigrants for they essentially tell our nation's newcomers that proficiency in English is not vital to their full participation in society. I would submit, however, that nothing could be further from the truth. How can we expect our nation's linguistic minorities to become involved and productive members of society if they are unable to speak the language of their new homeland?"

U.S.ENGLISH Executive Director Gerda Bikales at ELA hearings.

Gerda Bikales, Executive Director ***U.S.ENGLISH***

"At the dawn of our Independence, we had all the standard ingredients that history and experience tell us make for national unity. Yet even as we changed, even as we became more and more diverse, we managed to maintain a society of exceptional stability and civil concord. It has been the hallmark of our national character that as we become less alike to one another, we also became more tolerant of differences; in time, we came not only to tolerate them, but to understand them, and eventually to appreciate them. Other nations all over the world were being undone by conflicts between different groups within their borders; but we did well with diversity, allowing it to enrich our lives, yet without letting it overwhelm us. The miracle of America has been that we managed together so well, with so few of the commonalities believed essential for nationhood."

"(Yet) we can not dodge the question: are there not at least some elements that a nation—any nation—must maintain? And if our answer is yes, how close are we to the absolute minimum? Can the United States survive the erosion of English? And even if the possibility of this coming to pass seems remote, can we afford to take the risk of such a loss?"

"As we approach the bicentennial of the Constitution, it behooves us to recall that the Constitution is first and foremost a document about building an enduring nation. That goal is clearly stated at the start—"We, the People of the United States, in Order to Form a More Perfect Union...". In our eagerness to quote one individual right or another and to derive still further rights from those quoted, we have lost sight of the fact that the primary purpose of the Constitution is "a more perfect union." All else comes after, and is subordinate to that lofty purpose."

The ***Hon. Baltasar Corrada***, Resident Commissioner of Puerto Rico and Vice-Chairman of the Congressional Hispanic Caucus, speaking against the Amendment:

"The United States is composed of different cultures which have allowed us to effectively expand our international horizons. Our economic and political ties with foreign countries have been strengthened thanks to the enlightening (sic) contributions based on first hand knowledge and understanding of foreign cultures immigrants have brought to our country."

"I am a strong believer in Statehood for Puerto Rico. I envision in the not too distant future that Puerto Rico will become the 51st State, and in doing so it will enrich the culture of our Nation. There would be no compelling reason for Congress to impose English on Puerto Rico, being as we are an island in the Carribean and not part of the U.S. contiguous territory... The admission of Puerto Rico into the Union as a Hispanic state would send a clear message to the countries of this region that the United States does not look down on Hispanics, but rather welcomes them on an equal footing."

Arnoldo Torres, executive director, League of United Latin American Citizens:

"This is a backhanded attempt to further ostracize Hispanics and other language minorities from fully participating in society in the same way that Jim Crow laws ostracized blacks. It is this separatist movement by these Americans that must be stopped."

For copies of Dr. Hayakawa's and Ms. Bikales' written statements, please send $2.00 to cover postage and printing costs to ***U.S.ENGLISH***, 1424 16th Street, N.W., Suite 714, Washington, D.C. 20036.

Opportunities For Constructive Action

- Send a letter to Senator Orrin G. Hatch (R-UT), chairman, Subcommitee on the Constitution, thanking him for holding hearings on the English Language Amendment.
- Send a letter to Representative William F. Goodling (R-PA), thanking him for his spirited opposition to the Bilingual Education Act reauthorization that would allow just 4% of current appropriations to go for English immersion and other intensive English instruction programs.
- Write a letter of thanks to Representative Jim Wright (D-TX), thanking him for introducing an amendment to the Simpson-Mazzoli Immigration Reform Act that will require aliens to learn English as a condition for legalization.
- Write letters to Senators Strom Thurmond (R-SC) and Alan Simpson (R-WY), who will participate in the Senate/House conference on the new immigration reform bill, asking them to keep the Senate's Sense of Congress Resolution declaring English the official language of the United States.
- Write letters to Representatives Peter Rodino (D-NJ) and Romano Mazzoli (D-KY), who will participate in the Senate/House conference on the new immigration reform bill, asking them to keep the requirement that applicants for amnesty learn English, American history and government.

Address Letters To:

The Hon. ________________
U.S. House of Representatives
Washington, D.C. 20515

Senator ________________
United States Senate
Washington, D.C. 20510

San Diego Grand Jury Recommendations On Bilingual Education

The Education Committee of the San Diego Grand Jury recently reviewed the county's bilingual education programs and has issued recommendations. Under California law, the Grand Jury has broad "watchdog" functions with regard to county governmental operations.

This is the second time that the Grand Jury has examined bilingual schooling. The findings from their report:

1. "Bilingual education promotes a type of cultural apartheid in that it encourages a dual society. Specifically, it rejects the "melting pot" concept which has been the basis of our country's success over the past 200 years."

2. "Bilingual education dilutes and delays the implementation of the basic curriculum in that it reduces the time and funds available for more traditional subjects (math, science, etc.)"

3. "Bilingual education has been shown to be impractical, expensive, and in a sense un-American. Public funds are expended to promote and encourage ethnic institutions which in turn delays the assimilation of young students into the American mainstream."

4. "Overall, bilingual education does a disservice to the student and benefits only certain minority and political interests."

The Grand Jury recommended that:

1. "The County Superintendent of Schools seek legislation eliminating bilingual education requirements at the federal, state, and local levels."

2. "That the County Board of Supervisors support a constitutional amendment to establish English as the official language of the United States."

3. "That the County Board of Supervisors and the Registrar of Voters seek legislation to repeal laws which mandate multi-lingual ballots, voting materials, etc."

The full report is available from the County of San Diego Grand Jury, 220 West Broadway, Room 7003, San Diego, California 92101.

Mayor Dunn of Elizabeth, N.J., Wins Reelection

Last year at this time, the Mayor of Elizabeth, N.J., made headlines across the country when he issued orders to City Hall employees to speak English on the job, except when assisting visitors in need of translators. Mayor Thomas Dunn was denounced by several Hispanic organizations, threatened with impeachment or recall, and warned of certain defeat at election time.

Earlier this year, a check with City Hall revealed that the Mayor's orders still stood, and that no complaints were heard from city employees. On primary day, the veteran Mayor handily won once again, defeating Rafael Fajardo of the Hispanic American Political Association, 70% to 30%.

Ville De Buckingham Vs. Town Of Buckingham

A swirl of controversy surrounds the sign in front of City Hall, in Buckingham, Province of Quebec. In its zeal to make Quebec a completely unilingual French Province, the Commission for the Protection of the French Language takes offense at the bilingual sign on the building's facade, and wants the words "Town of" removed. Also inadmissible is a faded sign at the town dump, in French and in English, which declares "No Firearms Allowed." The seven town councilmen—five of whom are French speaking—voted to ignore the Commission's demands and leave the signs alone.

Montgomery County Parent Survey

A recent survey of parents whose children attend a special language program of English for Speakers of Other Languages in four Montgomery County (MD) high schools, reveals overwhelming preference for intensive English instruction. A story in the *Washington Times* of May 22 reports; "Asked how they preferred the instruction—in the native language, split between the native language and English, or in English—99 percent of the parents said they preferred English, said Susan Gross, project director for the special three-year program involving about 350 Spanish and Vietnamese-speaking student." This virtual unanimity of sentiment has led to speculation that the parents may not have understood the questions, but according to Stephen M. Frankel, of the school system's Department of Educational Accountability, "the evidence here is that students themselves favor English instruction and parents don't want their kids segregated into classes where they speak only their native language."

Duy Khac Le, Valedictorian

At graduation time this year, we again hear of the outstanding academic achievements of many young immigrants. Most came here a few years ago, without knowledge of English, and had to learn our language in addition to making up courses missed during years of interrupted schooling.

We congratulate Duy Khac Le, valedictorian at Washington-Lee High school in Arlington, Virginia. When Duy first arrived in our country six years ago, he was placed in special English classes, where he learned the language in less than two years; he was able to enter high school in the regular curriculum. Duy won a scholarship to Cornell, where he will study engineering.

We are grateful to Duy, and to so many others who recently joined our society, for reminding us by their example that there is no magic substitute for hard work, discipline and perseverance. These young scholars are truly an inspiration to all of us.

A National Hispanic University?

A bill sponsored by Representatives Edward Roybal (D-CA), Sala Burton (D-CA), and Mickey Leland (D-TX), would establish a federally endowed National Hispanic University in Oakland, CA. Authorized funding requested in the legislation gradually increases from an initial $2 million in fiscal year 1984, to $4 million in 1988.

The National Hispanic University is already heavily subsidied through federal grants. This new legislation would award the authorized sums routinely, as part of our national obligation. The classic model of such a federally endowed institution for higher education is Howard University, in Washington, D.C., which was founded after the Civil War to help train a cadre of educated black citizens; Howard is now a large educational center with graduate schools in medicine, dentistry, law, social work, education, etc. Its instructional budget is $215 million, about *half of it* provided by the federal government.

U.S.ENGLISH has conveyed its opposition to the endowment of a National Hispanic University in letters to key legislators. "We believe that it is late in U.S. history to establish a *federally subsidized* ethnic-oriented university... We believe that opportunities for Hispanic students must and can be provided within the existing higher education structure."

English A Requirement For Amnesty In New Immigration Law

By a vote of 241 to 170, the House accepted an amendment to the Simpson-Mazzoli immigration reform bill that makes the legalization of aliens residing here illegally conditional upon some knowledge of English. Sponsored by Representative Jim Wright (D-TX), the amendment requires a "minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States" or enrollment in a "course of study to achieve understanding of English and such a knowledge and understanding of the history and government of the United States."

The Senate version of the Simpson-Mazzoli bill, passed earlier this year, contains a Sense of Congress resolution declaring English the official language of the United States. Substantial differences between the two versions are awaiting reconciliation in Conference Committee, during which "give and take" bargaining could eliminate the references to English.

U.S. ENGLISH Board of Advisors In Formation

Several distinguished Americans have joined the *U.S.ENGLISH* Board of Advisors, which is now in formation. They include Walter Annenberg, the former Ambassador to the Court of St. James and publisher of *TV Guide*; Clarence Barnhart, the well-known lexicographer; Jacques Barzun, the eminent critic and philosopher; Saul Bellow, the Nobel Prize winning novelist; Dr. Bruno Bettleheim, the renowned psychologist and educator; Dr. Denton Cooley, who implanted the first artificial heart; Alistair Cooke, noted writer and journalist; Indiana State Senator Joseph Corcoran; Norman Cousins, noted writer and editor; Angier B. Duke, distinguished former diplomat; Dr Alvin Eurich, President of the Academy for Educational Development; Dr. Paul Flory, Nobel laureate in chemistry; George Gilder, well-known writer and economist; Dr. Sidney Hook, professor of philosphy and this year's Jefferson Lecturer; Dr. Francis Horn, president emeritus of the University of Rhode Island; Norman Podhoretz, writer and editor of *Commentary*; and Karl Shapiro, Pulitzer prize winning poet.

Sidney Hook On "Faith In Liberal Democracy"

Because our democratic system of governance relies so much on a common language—to argue, to persuade, to work out an acceptable compromise—we find these words by the eminent philosopher Sidney Hook of special relevance. Dr. Hook was interviewed by *U.S. News & World Report* (June 18, 1984).

Dr. Hook noted that equality of opportunity has been widely extended, yet at the same time "there has been an erosion of the values of the democratic way of life... The fact that there is less respect for democratic traditions is a potential danger. In that direction looms the possibility of progressive disorder. The great danger of a democracy has always been the possibility that it may lead to anarchy. Many critics of democracy have viewed it as a form of mobocracy. When some of these critics thought a democracy was becoming ungovernable, they would support a strong man, someone who promised law and order, even if that involved a dictatorship. Aristotle recognized that when human beings are confronted with a choice between anarchy and despotism, they would choose despotism because anarchy is the rule of a thousand despots. That is the path down which we may go if the quality of our democratic process is further eroded."

Professor Hook is a member of the *U.S.ENGLISH* Board of Advisors.

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IDEAS

E PLURIBUS DUO?

This is a conservative age indeed. Four years of the most right-wing President in half a century is not enough for an electorate that thirsts for another term of Mr Reagan. The nation's leading liberal journal of opinion, *The New Republic*, has gone to applauding the American "rescue mission" in Grenada, and pooh-poohing the nuclear freeze movement. As if this weren't enough, the student government at Washington and Lee University has been leading a crusade, not to get the US out of El Salvador, or to pass the ERA, but to demand neckties in the classroom. At Harvard, the rallying cry was "Save the ivy."

And so, it would seem, the current move against bilingualism follows the general trend to the right. California, the state which gave us the Proposition 13 tax revolt, is once again in the forefront of the new, seemingly conservative tide. Last November, in San Francisco, the state's cultural center, voters overwhelmingly approved a non-binding referendum opposing the city's trilingual voting ballot. California's S. I. Hayakawa, a semanticist and former Senator, centers his campaign against bilingualism on a Constitutional Amendment to make English the official language. Although Hayakawa's bill is presently mired in committee, the monolingual movement will continue to march in the states, according to Gerda Bikales, Executive Director of US English—and an immigrant who learned English at age 16 and "knows it can be done." US English is currently pushing for a statewide vote against the multilingual ballot in (one guess) California, "the number one trend-setting state." Dade County, Florida has already adopted a local version of Hayakawa's idea: no public money can be appropriated for the use of Spanish within city limits. At the federal level, President Reagan's Secretary of Education, Terrel H. Bell, has repealed the Carter Administration's guidelines requiring bilingual education, calling the regulations "harsh, inflexible, burdensome, unworkable, and incredibly costly."

All this might seem just another sign of increasing intolerance toward minorities, just another defeat for liberals. Yet the call for monolingualism may be less xenophobic and racist than it appears. This debate is not given to an easy liberal/conservative split. It raises important and difficult questions reaching far beyond the issue of language: to what degree do we value diversity? To what degree do we require loyalty? Should we encourage "cultural pluralism," or assimilation into a "melting pot"? Should we encourage people to act as individuals, or as members of ethnic groups? For liberals, bilingualism forces a vexing decision: should society encourage minorities to preserve their ethnic heritage even at the risk of accentuating the differences between groups, and dashing the dream for a brotherhood of man?

Though difficult, the bilingual question must be immediately addressed. In 1980, the Census Bureau put the number of persons in the United States over the age of four who do not regularly speak English at home at 23 million; the total number of non-English-speaking persons will be nearly 39.5 million by the year 2000. The Hispanic population, which makes up 75% of the students in bilingual education, has grown to 20 million, giving the United States the fourth largest Spanish-speaking population in the world. In fact, Hispanics now account for 30% of the pupils in New York City and Denver, and 50% of the Los Angeles school population. With a population growth rate six times the national average, Hispanics should soon overtake blacks as the nation's largest minority group; by 1990, their population may reach 40 million.

Bikales: No double talk

The movement towards bilingualism—in the classroom and the voting booth—gained momentum as the Hispanic population growth rate exploded in the 1970s. The federal commitment to bilingual education multiplied from $7.5 million in 1968 to $139 million today. In 1974, the movement gained judicial sanction as the Supreme Court called for schools to "take affirmative steps to rectify the language deficiency" of linguistic minorities to ensure equal educational opportunity. Later, HEW guidelines resulted in "maintenance" bilingualism, where students retain their native language, and in some cases, neglect the transition to English. The multilingual ballot, used in areas with large populations of linguistic minorities like New York, Florida, and much of the Southwest, was born with a Congressional amendment to the Voting Rights Act in 1975. Hayakawa's Constitutional Amendment aims both to restore the transitional emphasis of special language instruction and to eliminate the multilingual ballot.

Hispanics are fighting Hayakawa's initiative, arguing that all-English ballots effectively preclude many linguistic minorities from exercising their right to vote. According to a survey by the Mexican-American Legal Defense and Education Fund, one-third of Chicano voters would not have registered to vote but for bilingual ballots. Broadly speaking, Hispanics see diversity as the ideal, differences as desirable. Monolingualism is said to deny the right of minorities to be different; to force conformity in a naturally diverse society is said to be undemocratic. Argues Justice Cruz Revenoso of the California Supreme Court, "We should no more demand English-language skills for citizenship than we should demand uniformity of religion."

Multilingualism need not tear a society apart. Dennis Hernandez, attorney for the Mexican American Legal Defense and Education Fund points to well-functioning multilingual societies in Europe, like Switzerland, which has four national languages.

Opponents of bilingualism and the bilingual ballot in particular, emphasize the obligations of citizenship as well as the rights. Knowledge of English "isn't much to ask," Gerda Bikales says, "as a price of full political participation." Past immigrants have gladly, if painfully, learned the language without any special help, she points out; it is ridiculous for immigrant groups coming to a new country to expect general public funds to be spent on special voting ballots and teachers. No special ballots exist for the estimated 23 million illiterates in the country, critics point out. Moreover, Bikales questions whether a real demand exists for bilingual ballots, pointing out that "only 1,000 Spanish ballots were used in the entire city of San Francisco" in a recent election.

Bilingualism in general will divide the nation in the near future if not nipped in the bud, Hayakawa says. "10 or 20 years from now," he warns, "there will be a majority of individuals with Spanish background" in some Southwestern states. The calls for seccession from Canada in Francophone Quebec, the division in Belgium between the French-speaking Walloons and the Flemish-speaking population, and the language riots in Soweto, South Africa—all are said to bear out Kant's realization that along with religion, language is the ultimate divider of people.

A liberal can be against bilingualism.

Hernandez says bilingualism is not separatist and "need not create divisions." But Harvard sociologist Nathan Glazer disagrees. Glazer suspects that the underlying pressure for bilingualism in America is political. "it has a touch of nationalism," which is "antagonistic to the United States." In fact, any call for ethnic identification may have an element of separatism and hostility. As Harvard's Daniel Bell notes, "social groups need some other group to hate." In its extreme form, ethnicity means Malcolm X, who for some time defined the white man as the devil, or the Berkeley public school system, which, for a while, segregated students into five separate high schools based on ethnic background. The Hispanic call for bilingualism is less strident in its separatism, nonetheless, bilingualism may entrench a permanent race-consciousness. Unlike affirmative action, which uses racial groups as a temporary means of bringing individuals into the mainstream, bilingualism aims at maintaining ethnic group identity, never getting beyond race-consciousness.

Minorities respond that ethnic separatism is forced on them by the white majority. If a black or Hispanic student sits only with other blacks or Hispanics in the college dining hall, he may do so for a very rational reason. the "black table" may be the one where he will be best received and most supported. Ethnic identification "becomes a rational interest," Nathan Glazer argues, if one is likely to receive support when turning to one's ethnic group. "The natural connection is a connection you can count on."

In fact, many Hispanics see the current move against bilingualism as intolerant—filled with the Archie Bunker mentality: "Any poyson who can't speak poyfect English ought to be de-exported the hell out of here." Dennis Hernandez labels US English "a racist-based organization." The people behind the group, Hernandez charges, are the same people who back restrictions in immigration in hopes of "a white, blue-eyed and blond society." The whole melting pot idea is denounced as a thinly veiled attempt to force Anglo-American culture on various ethnic groups—premised, some say, on a certain, if unarticulated, racist belief that "Anglicization" is a step up on the ladder of civilization.

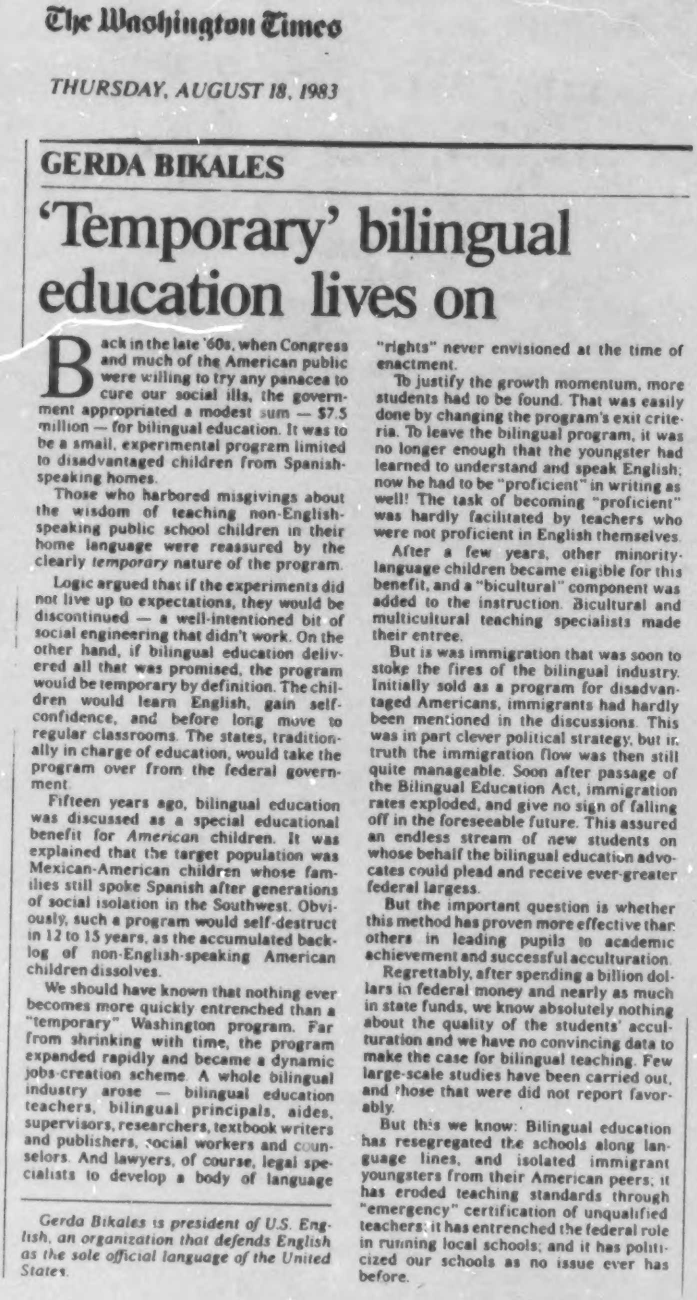
Others wonder. The melting pot is said to meld together diverse cultures—taking the best from each—and producing a new non-racial, idea-based culture, superior to any one of its parts. Assimilation is not supposed to mean that ethnic customs and ideas drown in the melting pot. Richard Rodriguez, an outspoken Hispanic critic of bilingualism, writes that assimilation "is reciprocal. As the immigrant is changed the immigrant as surely changes the culture he enters." Culture does not survive by endogymy alone; cultures can grow and flourish when individuals are persuaded that to keep certain elements of a culture alive is worthwhile. Now, as never before, ethnicity can be divorced from ethics, "protective" race-consciousness may be unnecessary, and the melting pot has a chance to cook. The longtime liberal Democratic dream of building what is now called a "Rainbow Coalition" of disadvantaged citizens, which rises above racial and ethnic differences, may be finally within reach.

Yet some fear that our nation is becoming increasingly segregated. Hispanics, who once wanted people treated as individuals, now value ethnic group pride above all else, race was to be irrelevant, now race is crucial, Black is beautiful, as is Spanish; segregation was bad, now it is necessary for group survival. The new race-consciousness, while certainly less noxious than the old white racism, still identifies people for what they are rather than what they do or believe—a most menacing notion; it's what the founding fathers rebelled against when they eschewed aristocracy, what abolitionists fought against when they saw human slavery, and what Hitler thrived on when he embarked on the Final Solution.

Furthermore, in the United States, Gerda Bikales says, the common English language is "perhaps the only thing that holds us together." In the US, Bikales proudly notes, "we don't take to the streets," but settle disputes with words—thus "it is essential to have a common language."

The movement against the multilingual ballot, then, is not simply another bigoted attempt to block minority participation, like the literacy test or poll tax. For policymakers aren't "neutral" when they provide bilingual ballots or bilingual instruction in schools: both encourage ethnic identification and discourage assimilation. In debating the bilingual question, we must decide, once and for all, whether we consider racial and ethnic identification valuable, to be encouraged, or truly irrelevant.

—Richard Kahlenberg



The Washington Times

THURSDAY, AUGUST 18, 1983

GERDA BIKALES

'Temporary' bilingual education lives on

Back in the late '60s, when Congress and much of the American public were willing to try any panacea to cure our social ills, the government appropriated a modest sum — $7.5 million — for bilingual education. It was to be a small, experimental program limited to disadvantaged children from Spanish-speaking homes.

Those who harbored misgivings about the wisdom of teaching non-English-speaking public school children in their home language were reassured by the clearly *temporary* nature of the program.

Logic argued that if the experiments did not live up to expectations, they would be discontinued — a well-intentioned bit of social engineering that didn't work. On the other hand, if bilingual education delivered all that was promised, the program would be temporary by definition. The children would learn English, gain self-confidence, and before long move to regular classrooms. The states, traditionally in charge of education, would take the program over from the federal government.

Fifteen years ago, bilingual education was discussed as a special educational benefit for *American* children. It was explained that the target population was Mexican-American children whose families still spoke Spanish after generations of social isolation in the Southwest. Obviously, such a program would self-destruct in 12 to 15 years, as the accumulated backlog of non-English-speaking American children dissolves.

We should have known that nothing ever becomes more quickly entrenched than a "temporary" Washington program. Far from shrinking with time, the program expanded rapidly and became a dynamic jobs-creation scheme. A whole bilingual industry arose — bilingual education teachers, bilingual principals, aides, supervisors, researchers, textbook writers and publishers, social workers and counselors. And lawyers, of course, legal specialists to develop a body of language "rights" never envisioned at the time of enactment.

To justify the growth momentum, more students had to be found. That was easily done by changing the program's exit criteria. To leave the bilingual program, it was no longer enough that the youngster had learned to understand and speak English; now he had to be "proficient" in writing as well! The task of becoming "proficient" was hardly facilitated by teachers who were not proficient in English themselves.

After a few years, other minority-language children became eligible for this benefit, and a "bicultural" component was added to the instruction. Bicultural and multicultural teaching specialists made their entree.

But is was immigration that was soon to stoke the fires of the bilingual industry. Initially sold as a program for disadvantaged Americans, immigrants had hardly been mentioned in the discussions. This was in part clever political strategy, but in truth the immigration flow was then still quite manageable. Soon after passage of the Bilingual Education Act, immigration rates exploded, and give no sign of falling off in the foreseeable future. This assured an endless stream of new students on whose behalf the bilingual education advocates could plead and receive ever-greater federal largess.

But the important question is whether this method has proven more effective than others in leading pupils to academic achievement and successful acculturation.

Regrettably, after spending a billion dollars in federal money and nearly as much in state funds, we know absolutely nothing about the quality of the students' acculturation and we have no convincing data to make the case for bilingual teaching. Few large-scale studies have been carried out, and those that were did not report favorably.

But this we know: Bilingual education has resegregated the schools along language lines, and isolated immigrant youngsters from their American peers; it has eroded teaching standards through "emergency" certification of unqualified teachers; it has entrenched the federal role in running local schools; and it has politicized our schools as no issue ever has before.

Gerda Bikales is president of U.S. English, an organization that defends English as the sole official language of the United States.

[From The Christian Science Monitor, Sept. 12, 1984]

The Swiss, the US, and language unity

By Gerda Bikales

I am frequently asked about Switzerland. Is it not true that this small nation in the heart of Europe has three "official" languages and one "national" one? And is it not also true that the country is prosperous and peaceful? So who says that multilingual societies get torn apart by language differences? And why can't the pluralistic United States be more like Switzerland?

I have been asked these questions by all sorts of people. But I remember particularly the pained tone in which they were asked recently by a successful Cuban-American politician in south Florida. He was telling me about his heartfelt gratitude to the US — he was a refugee from Castro's Cuba, hesitant in English, a wealthy businessman, and now an honored elected official in his community. Only in America could an immigrant have such opportunities!

Yet there was something about Americans he could not understand. Why are they so stubborn, so antagonistic to the logical notion of a bilingual south Florida? There are so many Cubans and South Americans here. Would it not make more sense to stop resenting the advances of Spanish, to make peace with the new bilingual character of the area, and to use it positively to attract Latin American tourists and investors? Why, he wondered, can't we be like Switzerland and prosper together, in whatever language is comfortable for each of us?

It came as a surprise to him, as it does to so many others, that the average Swiss is not fluent in three or four languages, and does not lead a multilingual existence. Street signs in Geneva are in French, period. Voting ballots in Zurich are in German, period. The Ticino native who moves to Basel does not expect his children to be educated in Italian — they'll be taught in German, like everyone else in the canton.

True, all students are taught one of the country's other languages beginning in the early grades, and most will certainly learn enough of it in school for simple communication. Well-to-do parents, however, don't take chances; since full command of another official language enhances opportunities, many pay the price to send their offspring to private boarding school in another canton, to ensure the youngster's proficiency in the other language.

Switzerland occupies land about the size of Massachusetts and Connecticut, which is shared by 6 million people. The population is white and Christian, and the country is not open to immigration. Schools teach a common history that pays homage to a pantheon of shared national heroes. Language differences are played down, and commonalities stressed.

National values are transmitted not only through the schools, but also through a citizen Army in which all able-bodied Swiss men are expected to serve in their youth, and into which they are recalled periodically until age 50. Every Swiss family is known to the cantonal authorities, which maintain records on every member. There is no confusion about who is, and who is not, a bona fide member of Swiss society.

The US, of course, is a nation of nearly 240 million inhabitants, settled by people of every ancestry, every race, every religion, culture, and language. We move about freely, and no local registry keeps tabs on us. There is no telling who is an American and who is not. We reject involuntary military duty — let alone a lifetime as citizen-soldiers. Conformity is denigrated, and "doing one's own thing" is recognized as a legitimate pursuit.

By custom, we have but one "official" language, and those who try to push rival ones upon us are finding that we care deeply about preserving our unity of language. For we know that the strong tie of a language shared by all citizens allows us to loosen those other ties traditionally associated with nationhood. And from this freedom spring the interactions of a multitude of diverse elements that make us the most dynamic, the most exciting, the most vibrant society in the world today.

And that is something few would ever say about multilingual Switzerland.

Gerda Bikales is executive director of US English, a Washington-based national public-interest organization.

Senator HATCH. Well, thank you so much.

Mr. Torres, it takes me about 6 minutes to get there, and I am already due.

Let me ask you this. Your testimony is extremely important to this committee. I could recess, but I would like to complete the hearing so that you would have this opportunity to testify.

Now, if you do not mind, I would like to start your testimony and then have counsel finish it, if I have to leave. But I will put both of your complete statements into the record at this point, as though fully delivered. I would like you to summarize, if you could.

Now, if you feel that you would like me to recess until we can take the complete statement that you want to give, I would be happy to do that, also.

STATEMENT OF ARNOLDO S. TORRES

Mr. TORRES. I never read a full statement, but I would appreciate it if you would allow and grant permission to counsel to ask questions the same nature that you have asked of other speakers, in order to give us the opportunity to respond.

Senator HATCH. We will definitely submit questions to you and go from there. You would prefer, then, to proceed, as far as I can go, and then have counsel finish it up?

Mr. TORRES. I have no problem.

Senator HATCH. And he can ask some of the questions on the record.

Mr. TORRES. Yes, I would just like to see if he could ask us a couple of questions as to the type of consequences this amendment would cause in order to have our views on the record, if that is OK with you.

Senator HATCH. You bet it is.

Before you begin, let me just mention some of the concerns that I have about the amendment, and I would like you to cover them, if you can.

I do see both sides of this amendment, but this amendment, for instance, contains no concept of State action, and it could very well be interpreted to prohibit private activities. For instance, what would prohibit Congress, in implementing this amendment, from passing a law denying enforceability in the Federal courts to any private contract not executed solely in English? That sounds bizarre, but Congress could do that if it wanted to.

What language in this amendment, for instance, would prevent Congress from passing a similar law to the Nebraska statute, which literally would be binding on completely private schools?

Would anything in this amendment prevent Congress from passing a law similar to that of Nebraska in 1922 which could restrict religious liberty?

I think we have seen an onslaught against religious liberty in this country just recently rearing its ugly head, and I am really concerned about it.

Could this constitutional amendment give some impetus to that onslaught?

What if a Catholic school, for instance, wanted to teach catechism in Latin, or a Hebrew day school wanted to teach Hebrew during the day or teach some of the sacred texts of Hebrew? These are private schools, of course. Is there any conflict with the first amendment should that occur, and could they be prevented by a Congress that just wanted to act arbitrarily in these areas?

Could Congress, for instance, pass a statute prohibiting the use of languages other than English in public institutions or places?

I suspect that if we put this into the Constitution, Congress would be able to do exactly that.

I might also mention just for the record that we are a nation faced with severe problems with our language policies. The U.S. Census Bureau showed that in 1979, nearly 18 million of our Nation's 230 million people over the age of 5 spoke a language other than English at home. Nearly half of them, 8.7 million, spoke one particular language, and that is Spanish. This, of course, could pose some communication problems in years to come. And I am not sure that a constitutional amendment really is the answer to every contemporary social malady that comes forth, and I do not think the Constitution is meant to carry that particular burden. So I am concerned about it, and I want to work with my colleagues to help resolve the legitimate problems which we have highlighted today. A constitutional amendment, however, causes me concern as the means to remedy some of these problems. I am really interested in some of the answers that I will submit in writing.

This amendment seems to further instead of arrest the modern trend toward blurring the distinctions between public and private life in our country. It also tends to blur the distinctions between Federal functions and State functions. In fact, one of the things I will be meeting on today is this so-called Civil Rights Act of 1984, which tremendously blurs these distinctions. Under the guise of overruling one Supreme Court case, this so-called Civil Rights Act of 1984 is one of the most widesweeping attempts to amend at least four major laws in this country. Moreover many other laws in this country that could be affected by the provisions of this bill which blur distinctions and allow the courts to make vital policy determinations within the purview of congressional authority.

I, for one, do not have the same degree of confidence in unelected judges that I do have in elected officials. On occasion I do not have a lot of confidence in elected officials, but at least they have to stand up in public and defend their positions when seeking election. And from that standpoint, we can influence them. When unelected judges make these major determinations, however, I am really concerned because they answer to no one for their own predilections. Maybe there is a way of addressing language issues that will work well for everybody. I do think that Senator Hayakawa made some very telling points; Senator Huddleston has made some telling points, as well as the other Members of Congress who have testified here today.

Mr. TORRES. I just want to add here, Senator, that I appreciate many of the points you have raised today, and I am very sorry that you have to leave us, because I had intended to respond to the interesting points that the former Senator, as well as sitting Senators, have made with regard to that, because I think there are a lot of inaccuracies and misrepresentations.

Senator HATCH. Well, I commit to you, Mr. Torres, that I will read your testimony and read your responses to the questions that Mr. Rader will ask you. I am concerned about what you have to say here.

Mr. TORRES. Thank you.

Senator HATCH. I really, deeply apologize that I have to leave. I am already late to this very important meeting. I must be there because others expect me.

With that, if you will forgive me, I am going to ask Mr. Rader to take the remaining part of your testimony because I think it is important that we get it in the record now, while we have all of the people here who want to examine this matter as fully and as completely as we can, and especially those from the media, and I want you to have every opportunity.

I would ask you, Mr. Rader, if you would ask some of the questions that I would like to have both of these expert witnesses answer.

You have been a particularly good witness, Ms. Bikales, and I am very happy to have had you here today, as well. I would like you to try and answer some of these questions, as well, if you can.

Ms. **Bikales**. Thank you, Senator.

Mr. **Torres**. Thank you, Senator.

Senator **Hatch**. Thank you. You will have to forgive me, but I had better run.

Mr. **Rader**. Please proceed, Mr. Torres.

Mr. **Torres**. For the record, my name is Arnold Torres. I am the national executive director for the League of United Latin American Citizens, which is the country's oldest Hispanic organization.

I would like to begin by reading for you from the LULAC code, which was established in 1929, when the organization was originally founded, beginning:

> Respect your citizenship and preserve it. Honor your country. Maintain its tradition and the spirit of its citizens, and embody yourself into its culture and civilization. Be proud of your origin and maintain it immaculate. Respect your glorious past and help to defend the rights of all people. In war, serve your country; in peace, your convictions. Discern, investigate, meditate, and think. Study at all times. Be honest and generous. Let your firmest purpose be that of helping to see that each new generation shall be of a youth more efficient and capable and in this, let your own children be included.

The LULAC prayer portion of it reads:

> Bless our land with honorable industry, sound learning and pure manners. Save us from violence, discord, and confusion; from pride and arrogancy, and from every evil way. Defend our liberties and fashion into one united people the multitudes brought hither out of the many kindreds and tongues.

The reason why I begin this way is because I want to at least state the qualifications of our organization, that we are not a separatist movement, as certain elements in American society who have presented their comments today would perhaps have you believe.

But we greatly appreciate the opportunity to be here today in opposition to this proposed constitutional amendment, and we hope that we will not insult anyone today, but we hope to be as candid as possible in order for people to understand our concerns.

Constitutional amendment—I think Senator Hatch has made an extremely good point today in saying that the Constitution is a very sacred document. It should not be used for frivolous amendments that have absolutely no background and justification.

The first point that I would like to raise and bring to your attention is the U.S. Census. A review of the 10 largest cities which have the largest percentage of Hispanics—San Francisco, Chicago, New York, El Paso, Corpus Christi, Dallas, Albuquerque, Phoenix, Sacramento, San Antonio, and San Diego—indicate that—approximately 77.7 percent of the Hispanic households speak only English at home.

A review of another census document, PHC 80 S11, indicates that 90.5 percent of persons of Spanish descent age 5 to 17, speak only English at home, persons 18 and over, 88.7 percent; total persons 5 and over, 89.1 percent.

With this in mind we ask, is there a need for a constitutional amendment calling for English as the official language of the United States?

In view of the statistics that have just been cited, I do not think that there is any clandestine movement by Hispanics or any other ethnic group in this country to take over and speak their language in the Southwest or any part of the United States.

The framers of the Constitution perceived the American identity based not on national, linguistic, religious, or ethnic background, but on the individual's commitment to the American principles of government. In building this new Nation, the founders understood the need for developing a sense of peoplehood. The development of the national character was important, quote, "* * * because four out of five whites were of British derivation, because virtually all were Protestant, and because blacks and Indians were not considered part of the national community, Americans of that era may be considered highly homogeneous in culture. Yet, American nationality was not simply WASP. On the contrary, it was regarded as something novel and distinctive. It was oriented toward the future rather than the past, and most important, it rested on a commitment to universalist political and social principles, rather than on particularist cultural features such as language, religion, or country of origin.

I bring this to your attention by the author, Thernstrom, in the Harvard Encyclopedia of American Ethnic Groups, page 56, printed in 1980:

> Becoming an American did not require one to become an Anglo-Saxon or even to be like an Anglo-Saxon, except in adhering to the principles of freedom, equality and repudiating all former political allegiance, accepting the Constitution, and obeying the laws.

Again, we must ask, based on what has just been quoted, where is the need for this type of an amendment?

I would submit to you, to this committee, that if, in fact, the proponents of such an amendment were that serious and that fearful of people not learning English, or if, in fact, as Senator Symms and the others have indicated, they want everyone to learn English, why not provide more programs to learn English?

Hispanics 18 years and over, under the census study, have the greatest dependency on Spanish. Why not provide better English classes, and English only—I do not care what kind of immersion programs you design—immersion programs for 18 years and over. That would be fine with us.

Why not provide greater bilingual education opportunities?

There has not been enough information presented by Senator Huddleston, Senator Hayakawa, or any other Senator, that can defame the intent and results of bilingual education. It has been an effective educational approach to learning English for the limited-English-speaking children in this country. But no; that is not really the intent of the proponents of this legislation.

The proponents of this legislation would have you believe that there is an underground movement by Hispanics to take over this country, and they have been very effective in presenting their arguments that way. But again, they are not interested in discussing facts, no facts whatsoever.

It is interesting that from the American Revolution to Beirut, Hispanics have answered America's call to protect its shores. Let us not forget that in 1917, Puerto Ricans in Puerto Rico were granted citizenship in time to fight in World War I and did so with honor.

For those who have doubts about Hispanic Americans' commitment to this country, we would be more than happy to lead a contingent of Senators and others to Constitution Avenue to the Vietnam Memorial to read the Hispanic surnames engraved in black. Or, we could travel across the river and stroll through Arlington Cemetery.

It is inconceivable to us that a group of people who would be willing to make the ultimate sacrifice for a country would be willing to separate itself from it.

Should, by an unbelievable and unfortunate fate of history, such a constitutional amendment actually be passed, we must deal with the Treaty of Guadalupe that was signed in the very early 1800's, that granted the region known to us now as the Southwest the right of every Mexican citizen to maintain their language and their culture. That treaty is an important tool that we would use in order to present a legal argument against such a constitutional amendment. I wanted to read the following, that "It is our belief that this initiative is a frivolous attempt to amend the Constitution. This is not the 13th amendment ending slavery. This is not the 14th amendment, calling for equal protection laws. This is not the 15th amendment, ending racial discrimination. This is not the 19th amendment, allowing women to vote. Nor is this the equal rights amendment, seeking to ensure that women are treated fairly in society."

In our opinion, it is really a backhanded attempt to further ostracize Hispanics and other language minorities from fully participating in society in the same way that Jim Crow laws ostracized blacks.

I would like to review very briefly some of the illustrative comments made by Senators Huddleston and Burdick and Symms, and former Senator Hayakawa.

Senator Huddleston, in essence, implied that the bilingual ballots and bilingual education are really just the beginning of a clandestine movement, and that with a constitutional amendment, we could head it off at the pass. It is precisely these kinds of comments that are unsubstantiated and serve to create an impetus for this kind of attitude.

When people are afraid, when we begin to use the scare tactics that proponents of this amendment use, they give the impression that, in fact, Hispanics are armed and ready to take over, and will immediately kick out any non-Spanish-speaking person in the Southwest.

Mr. Burdick uses Canada as an example of what could happen to the United States without such an amendment. Mr. Burdick would probably be well-versed if he were to read Canadian history. There is a much deeper embedded difference in Canada with regard to the differences between the two groups in Canada that clearly do not exist with regard to Hispanics in the Southwest, or for that matter, any minority language group in the United States with majority America. It just does not exist. We do not have, hopefully, at this time separate schools, separate neighborhoods, certainly not by our own wish. If they exist, they exist by discrimination, and not as a result of our choice.

Senator Symms went over a story of his friend who learned English and quoted him as saying: "Had I not been forced to learn English, I would have not become Secretary of State; I would have been a shepherd."

Does the Senator from, I believe, Idaho, imply that Hispanics want to maintain a low-level of economic life simply because they do not want to invest in the learning of English? Does it mean that Hispanics are willing to sacrifice and live at bare minimum just because they do not want to invest the time in learning English?

I do not think so. Any person who comes to this country, regardless of his background, comes because he wants to improve his state in life. And I think that learning English clearly improves the opportunities that one has when living in this country, in view of the fact that English is the national language.

Senator Hayakawa made an interesting point, but once again, lacking very, very clear facts. He indicated and pointed to the lack of educational attainment by Hispanics, a significant dropout rate, an extremely low number in college. He implied that there was a correlation between such a dismal future and status and our inability to speak English, and that his "Hispanic friends" if they want to push their Hispanic children to learn English, he would be more than happy to help them. He concludes by saying that he believes that Hispanic activists are really not concerned with this objective, but to get jobs for Spanish-speaking teachers. Once again, exaggeration and misrepresentation is used.

I would bring to the attention of the Senator who sat in the Senate for 6 years that during his time in this country, when bilingual education was being funded for less than $140 million a year, less than 1 percent of the Federal budget, Hispanics had the highest dropout rate back then, Hispanics were becoming the most segregated group of children in American public education today, and that those statistics existed prior to the enactment of the Bilingual Education Act in 1968. What would Mr. Hayakawa blame it on in those days? Was it our stupidity, our genes, or our inability to want to learn? There is no correlation between the educational status of Hispanics today and our inability to want to learn English, because the census study points out that that is clearly incorrect.

The point that the Senator from Utah has asked—the questions he has asked—would it prohibit private activities? Would language prevent Congress from passing legislation applying to private schools? Would this amendment limit religious freedom? Would it prohibit the use of any other language besides English in public places? In all candor, I believe that it would.

Now, this may not be the sole intent or one of the intents of the proponents, but we are talking about something that the proponents are not going to control. We are also talking about something that will not be controlled by good intentions or good faith.

There is a great deal of discrimination that takes place now. The EEOC has a number of cases that indicate that there is discrimination based on language. If I want to speak Spanish to someone during working hours, and it has nothing to do with my employment responsibilities I can be fired. There have been various cases of this type which have been considered to be employment discrimination.

An amendment of this kind begins to tell people that any foreign language spoken is really unacceptable. Now, I know what the proponents of this legislation are going to say. They are going to say that this contention is bunk. But we have to deal with these realities in our community. We have to deal with these facts in our community. Ms. Bikales and the others do not have to worry about that. We have to worry about that. We are under the significant eye of everyone in this country with the immigration flows being what they are, and everyone begins to give the impression that this, quote, "alien hoard," is posed, ready to take over the United States, and as a result, we need this constitutional amendment.

I would conclude with the interesting U.S. English motto: "America, one Nation, indivisible, enriched by many cultures, united by a single tongue."

We in LULAC have a pledge that we recite every meeting. It is in our constitution on page 56. It has been a practice since 1929. "I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation under God, with liberty and justice for all."

We have no intention of changing mottos or playing with words. The Pledge of Allegiance is what this organization stands by; it should be what this country stands by, and it should refrain from responding to the kind of scare tactics that this constitutional amendment and its proponents bring with it.

Thank you very much, and I am very sorry that the chairman of this committee had to leave, but I greatly appreciate the fact that he allowed me to be as thorough as I was.

[Material supplied for the record follows:]

PREPARED STATEMENT OF ARNOLDO S. TORRES

Good morning. For the record, my name is Arnoldo S. Torres, and I am the National Executive Director of the League of United Latin American Citizens (LULAC), the nation's oldest and largest Hispanic organization, with over 110,000 members in 43 states. I would like to thank the Chairman for allowing us to appear before the Subcommittee on the Constitution on the subject of the English Language Amendment, S.J. Res. 167.

We appear before you today in opposition to the proposed constitutional amendment. Our opposition to this amendment is not an endorsement of any efforts to secede from the United States as some would have you believe. Our opposition stems from a belief that there is no sound rationale for such an amendment, when it is commonly known that English has been and always will be the official langauge of the United States.

Therefore, the questions to be answered today are the following: Why is a constitutional amendment creating a national language necessary in 1984? And, what impact will it have?

Proponents of this initiative would have you think ethnicity" writ large. On the contrary, it was regarded as something novel and distinctive; it was oriented toward the future rather than the past; and, most important, it rested on a commitment to universalist political and social principles rather than on particularist cultural features such as language, religion, or country of origin..."

"...Becoming an American did not require one to become an Anglo-Saxon or even to be like an Anglo-Saxon, EXCEPT IN ADHERING TO THE PRINCIPLES OF FREEDOM, EQUALITY... AND IN REPUDIATING ALL FORMER POLITICAL ALLEGIANCE, ACCEPTING THE CONSTITUTION, AND OBEYING THE LAWS...

"...PROTESTANT AMERICANS OF BRITISH BACKGROUND HAD IN FACT COMMITTED THE NATION TO A PRINCIPLE THAT MADE IT INCONSISTENT TO ERECT PARTICULARIST ETHNIC CRITERIA INTO TESTS OF TRUE AMERICANISM..." (THERNSTROM, HARVARD ENCYCLOPEDIA OF AMERICAN ETHNIC GROUPS, P. 56).

ONCE AGAIN WE ASK, WHY IS THERE A NEED FOR THIS AMENDMENT? IS IT AN ATTEMPT TO ENSURE THAT INDIVIDUALS WILL LEARN TO SPEAK ENGLISH? IF THIS IS TRUE, THEN WHY ELIMINATE FEDERAL SUPPORT FOR PROGRAMS THAT TEACH ENGLISH? WHY NOT PROVIDE ADDITIONAL FUNDS FOR ENGLISH AS A SECOND LANGUAGE (ESL) AND BILINGUAL EDUCATION PROGRAMS?

OUR OPPONENTS WOULD SAY THAT BILINGUAL PROGRAMS DON'T WORK AND THAT THEY ARE THE ROOT OF THE PROBLEM S.J. RES. 167 IS ATTEMPTING TO CORRECT. YES, WE WOULD AGREE THAT THERE ARE A FEW PROGRAMS ADMINISTERED IMPROPERLY. YET, THOSE FEW FAILURES ARE NOT AN INDICTMENT OF ALL BILINGUAL PROGRAMS.

IN FACT, HERE IN WASHINGTON THERE IS AN EXCELLENT BILINGUAL PROGRAM CALLED THE OYSTER SCHOOL. ISN'T IT MORE CONSTRUCTIVE TO REVIEW SUCCESSFUL PROGRAMS LIKE THE OYSTER SCHOOL, AND DETERMINE WHY THEY ARE SUCCESSFUL AND APPLY THAT SUCCESS PRINCIPLE TO OTHER BILINGUAL PROGRAMS?

THIS APPEARS TO BE A MORE RATIONAL APPROACH TO THE "PROBLEM" WE'RE CONFRONTING. DESPITE THE CONTENTIONS MADE BY SUPPORTERS OF S.J. RES. 167, THIS IS NOT QUEBEC, CANADA. HISPANICS ARE NOT USING LANGUAGE AS A MOTIVATION FOR SEPARATION.

FROM THE AMERICAN REVOLUTION TO BEIRUT, HISPANICS

HAVE ANSWERED AMERICA'S CALL TO PROTECT ITS SHORES. LET US NOT FORGET THAT IN 1917 PUERTO RICANS IN PUERTO RICO WERE GRANTED CITIZENSHIP IN TIME TO FIGHT IN WORLD WAR I, AND DID SO WITH HONOR. FOR THOSE WHO HAVE DOUBTS ABOUT HISPANIC AMERICANS' COMMITMENT TO THIS COUNTRY, WE WOULD BE MORE THAN HAPPY TO LEAD A CONTINGENT TO CONSTITUTION AVENUE TO READ THE HISPANIC SURNAMES ENGRAVED IN BLACK. OR, WE COULD TRAVEL ACROSS THE RIVER AND STROLL THROUGH ARLINGTON CEMETARY.

IT IS INCONCEIVABLE TO US THAT A GROUP OF PEOPLE WOULD BE WILLING TO MAKE THE ULTIMATE SACRIFICE FOR A COUNTRY IT WISHED TO REMAIN SEPARATE FROM. THE FACT OF THE MATTER IS, GENTLEMEN, THERE IS NO SEPARATIST MOVEMENT; SIMPLY THE FABRICATION OF A GROUP OF ZEALOTS WISHING TO MAKE A MOUNTAIN OUT OF A MOLEHILL.

WHAT WILL AN AMENDMENT OF THIS TYPE ACCOMPLISH? WILL IT ACTUALLY STOP THE SPREAD OF BILINGUALISM IN THIS COUNTRY? OR WILL IT SIMPLY SHIFT THE RESPONSIBILITY OF PROVIDING BILINGUAL SERVICES FROM THE PUBLIC TO THE PRIVATE SECTOR?

WHAT IMPACT DOES THIS AMENDMENT HAVE ON U.S. TREATIES, PARTICULARLY THE TREATY OF GUADALUPE? THE TREATY OF GUADALUPE WAS SIGNED BY MEXICO AND THE UNITED STATES WHICH CEDED MUCH OF THE SOUTHWEST TO THE U.S. IT STRIPPED THOSE MEXICANS REMAINING ON U.S. SOIL OF THEIR MEXICAN CITIZENSHIP AND GRANTED U.S. CITIZENSHIP TO ANYONE REMAINING IN THIS NEW TERRITORY AFTER ONE YEAR. THE TREATY GAVE THESE NEW AMERICANS THE RIGHT TO MAINTAIN THEIR LANGUAGE AND THEIR CULTURE.

DO WE AUTOMATICALLY DISSOLVE THIS TREATY? OR DO WE RENEGOTIATE IT?

WE COME BACK TO OUR ORIGINAL QUESTION OF WHY A CONSTITUTIONAL AMENDMENT CALLING FOR AN OFFICIAL LANGUAGE IS NEEDED. WHAT IS THE MOTIVATING FORCE OF THIS AMENDMENT? IS IT TO ACCELERATE THE NATURALIZATION AND CITIZENSHIP PROCESS? OR, IS IT A MEASURE TO PREVENT THE NATURALIZATION AND GRANTING OF CITIZENSHIP TO THE NEW WAVE OF IMMIGRANTS? "...THE HISTORY OF CITIZENSHIP HAS REVEALED THE CHANGING RELATIONSHIP OF THE INDIVIDUAL CITIZEN TO THE POLITICAL STRUCTURE OF THE NATION...

"...NATURALIZATION HAD BEEN A CASUAL AND INFORMAL PROCESS, BUT GRADUALLY CRUDE, RACIST CRITERIA AND UPGRADED NATURALIZATION STANDARDS WERE APPLIED TO ADMIT ONLY "SUITABLE" ALIENS. THE PROCESS OF INCLUDING NEW PEOPLES WAS TEMPERED BY FAVORITISM TOWARD THOSE THOUGHT TO BE MORE RACIALLY COMPATIBLE AND BETTER PREPARED FOR CIVIC DUTIES. THE UNFAMILIARITY OF SOME NEW IMMIGRANTS WITH DEMOCRATIC GOVERNMENT, THEIR ACQUAINTANCE WITH MONARCHIAL REGIMES AND AUTHORITARIAN RELIGIONS, AND THEIR IGNORANCE OF ENGLISH CAST DOUBT ON THE MINDS OF NATIVISTS AS TO THEIR READINESS FOR CITIZENSHIP RIGHTS..." (THERNSTROM, P. 748). YET, "...EXPERIENCE HAS SHOWN THAT ALL ETHNIC GROUPS, GIVEN TIME AND ENCOURAGEMENT, HAD THE CAPACITY TO ASSIMILATE INTO THE NATIONAL CIVIC CULTURE, AND SO U.S. CITIZENSHIP WAS OPENED TO ALL..." (THERNSTROM, P. 748).

THE QUESTION ONCE AGAIN ARISES: WHY DO WE NEED A CONSTITUTIONAL AMENDMENT DECLARING ENGLISH OUR OFFICIAL LANGUAGE?

IT IS OUR BELIEF THAT THIS INITIATIVE IS A FRIVOLOUS ATTEMPT TO AMEND THE CONSTITUTION. THIS IS NOT THE 13TH AMENDMENT ENDING SLAVERY. THIS IS NOT THE 14TH AMENDMENT CALLING FOR EQUAL PROTECTION LAWS. THIS IS NOT THE 15TH

AMENDMENT ENDING RACIAL DISCRIMINATION. THIS IS NOT THE 19TH AMENDMENT ALLOWING WOMEN TO VOTE. NOR IS THIS THE EQUAL RIGHTS AMENDMENT SEEKING TO ENSURE THAT WOMEN ARE TREATED FAIRLY IN SOCIETY.

IT IS OUR BELIEF THAT THIS IS A BACKHANDED ATTEMPT TO FURTHER OSTRACIZE HISPANICS AND OTHER LANGUAGE MINORITIES FROM FULLY PARTICIPATING IN SOCIETY IN THE SAME WAY THAT JIM CROW LAWS OSTRACIZED BLACKS. IT IS THIS SEPARATIST MOVEMENT BY THESE "AMERICANS" THAT MUST BE STOPPED.

HISTORICALLY, ONE OF THE REASONS WHY THE SOUTH ATTEMPTED TO SECEDE FROM THE UNION WAS TO PERPETUATE THE SUBJUGATION OF A PARTICULAR GROUP OF PEOPLE. IT IS OUR FEAR THAT THE MOTIVATION BEHIND THE SOUTH'S ATTEMPT TO SECEDE IS THE SAME MOTIVATION BEHIND THIS INITIATIVE.

THANK YOU.

Mr. RADER. Thank you very much.

The chairman did ask me to pose just a few of his questions to both panelists.

First, what other countries have declared official languages, and was their declaration made by constitution or by statute?

Ms. BIKALES. I believe most of the Latin American countries have declared Spanish their official language. I know that Russia, for example, has declared Russian the official language. It has mostly been countries that do not have one dominant language, but have language minorities as well, and that relationship is then clarified.

Mr. TORRES. Most of the countries of Latin America with the exception of Brazil, certain countries in Central America that have many indigenous languages and cultures, have usually used Spanish as the official language. I do not know specifically if any of the constitutions of these countries, in fact, carry with them that Spanish will be the official language. I have travelled extensively in Central America and in Mexico, because I have relatives there, and at no time have I ever been discriminated against because I speak English or the Spanish that is not always acceptable to my Mexican relatives.

Ms. BIKALES. I would say you would not be able to vote in English if you were to live there.

Mr. TORRES. I would also remind the committee of the point that has been made by Ms. Bikales, that Mexico does not have the immigration difficulties, or better yet, Mexico and any country in Central America does not have the diversity that the United States has in immigration patterns. Mexico, it could be said, to some extent may be a country of immigrants, but many of the indigenous communities would probably disagree with this. This country perhaps, unlike any other country in the world, is clearly a country of immigrants, and as a result of that, has a diversity that is already built in, regardless of whether we like it or not.

Mr. RADER. The Senator had a question on the proposed amendment's potential impact on private activities. As he mentioned, this amendment lacks the kind of language common to most constitutional amendments that limits the scope of the amendment to State actions; thus, the language would seem to have no conceptual limit. This application to private conduct is not entirely a theoretical problem. In the 1922 Nebraska statute mentioned earlier, it said that no person, individually or as a teacher, shall in any private, denominational, parochial, or public school, teach any subject to any person in any language other than English. Thus, by its terms, it would have forbidden private schools, totally without Federal or State aid, from teaching in a language other than English.

What language in this current constitutional amendment proposal would prevent Congress from passing a similar law, completely binding on private schools and precluding them from teaching any language except English?

Ms. BIKALES. It is my impression that the first amendment would do that. However, Senator Huddleston, as I recall, has indicated his willingness to revise the language and incorporate your concerns more precisely, if that is called for.

Mr. TORRES. I would respond by saying that while again, the intent may well be what Mr. Huddleston would like it to be, we are talking about what would happen in reality. We must take the possible consequences of this constitutional amendment out of the conceptual stage and begin to look at the way things are done in the real world.

I would submit to the committee that regardless of the clarifications that the Senator from Kentucky would make with his constitutional amendment, you are still dealing with an attitude that, regardless of what may be the intent and legislative history of this constitutional amendment, certain people will interpret it as they see fit to use it for their own purpose. It is very conceivable that there would be overzealous people, as those who are proposing this amendment, in States calling for the types of restrictions that the Senator from Utah is afraid of. I just think that you are creating an uncontrollable monster. It is much like the monster that the Volmstead Act created in the 18th amendment, the Prohibition Act. We waited 4 years, and we came back with the 21st amendment. That is the kind of monster that I think this type of constitutional amendment would create, regardless of the intention of its honorable proponents.

Mr. RADER. Do you think that there is a constitutional right to obtain U.S. Government services in a language other than English?

Ms. BIKALES. No; I do not.

Mr. **Torres**. Could you ask the question again? I cannot believe that we may agree.

Mr. **Rader**. Do you think that there is a constitutional right to obtain U.S. Government services in a language other than English?

Mr. **Torres**. I think that the Supreme Court has indicated with the Bilingual Education Act, or the court decision in *Lau*, that with regards to education, there must be the provision of educational approaches that do not deny equal educational opportunity. And I think that this is one situation that I think the court has spoken very clearly on.

But with regards to the thrust of your question, I do not believe that our organization or anyone else would indicate that it is a constitutional right that they have to be spoken to in their native language in order to be able to get a job or something. I do not think any Hispanic group has ever argued that; I think the Supreme Court decision in the *Lau* case was made very clear that it is a right for equal educational opportunity, and if there are difficulties that limit the educational opportunities of limited-English-speaking children, then the school systems in this country, whether they be Federal, State, or local, should design the necessary and adequate approaches to ensure that equal educational opportunity.

Mr. **Rader**. In the *Lau* case, the Supreme Court held that the Civil Rights Act prohibition on national origin discrimination would operate to require special help for non-English-speaking Chinese students in San Francisco. The *Lau* case did not, however, mandate that foreign language students be taught all subjects in their own tongue, but only that affirmative action be taken to open the doors of education to non-English speakers.

Thus, is it correct that *Lau* could be read as consistent with the notion of using foreign tongues only to teach English language proficiency? Is that correct?

Mr. **Torres**. That is precisely the position, the posture, that most organizations of Hispanic and Asian and other limited-English-speaking communities, or language minority communities, have always taken. Transitional bilingual education is, contrary to those who demagogue the concept, probably one of the best, if not the best, approach for teaching children the English language. That is what it has always been. We have never wanted it to be a concept that entrenches the teaching of the language of origin to the point where they will never learn English. That is absolutely ridiculous, and that is what makes the proponents' arguments of this constitutional amendment somewhat frivolous.

Ms. **Bikales**. Well, I would like to speak to this, but also at the same time, answer the accusation of paranoia that was alluded to before in Mr. Torres' remarks, and I will do so by quoting from a report that was prepared and published on May 4 of this year. It was prepared by independent consultants, Market Growth, Inc., at the request of the Department of Education.

It is a report on the 13th International Bilingual-Bicultural Education Conference of the National Association for Bilingual Education, and here is the summary.

The two general themes that pervaded the general sessions, major sessions, and symposia were: First, the Federal Government must play a lead role in bilingual education with legislative and major funding resulting in (a) a national multicultural/multilingual society, and (b) a national language policy, with English and Spanish recognized as the two legal languages of the United States.

The second part of this dealt with the defeat of President Reagan.

Now, this comes from the National Association for Bilingual Education, their 13th annual meeting, as reported to the Department of Education by independent consultants.

So much for paranoia, except let me mention, most of the people who are members of this organization and who were meeting in San Antonio last April and who attended this are paid for with public funds.

Mr. TORRES. Just a brief response. It is always interesting—you, knowing the Federal Government as well as you do—when you have a consultant, a consultant is not free of subjective opinion. I would think that anyone with the National Association of Bilingual Educators who has just heard this brief summary would have quite a difference of opinion insofar as the representation that was made by the independent consultants, who may continue to be very independent afterward. But I think that this once again misrepresents what the Hispanic community stands for.

I was just told by my assistant that the quote that was read by Ms. Bikales is, in fact, a misrepresentation of what took place. And I think that these types of things, when they are read into the record, that are not fact, but are very subjective in nature, simply lend themselves to a great deal of fear. But then, again, this has always been the intention of the proponents of the constitutional amendment calling for English as the official language. There is absolutely no other reason for doing these types of things. There is no need for it. But trust the opponents to continue the scare tactics that they have, and have been very effective in doing.

Mr. RADER. Two final questions. First, to return to the *Lau* case for just a second, is it correct, then, Mr. Torres, that you would see that case as allowing the use of foreign tongues only to teach English language proficiency and that you would support that limitation on bilingual education?

Mr. TORRES. I have never seen in any other court cases the citing of *Lau* to make a case for any other provision of bilingual services.

There are practical sides to bilingual services in court proceedings. There is a practical side to bilingual services in dealing with the public from a social services perspective. That is simply just practical. You need it if you are going to communicate with certain groups of people. But I think that the contention you make, we have absolutely no difficulties with. That is our understanding of the law. That is our understanding of the intent. And we have absolutely no intentions of correcting that or deviating from that.

Mr. RADER. One final question. The United States Code is riddled with terms from languages other than English; for instance, Latin has given us terms like "in rem jurisdiction" or "res ipsa loquitur" or "mens rea." Other languages, in similar fashion, have provided our language with many legal terms

Who would really decide what terms were English and thus appropriate for official usage? In France, of course, they have an academy formed by the government to determine which words are appropriately French and worthy of official use. Would this amendment require the formation of a similar entity, or perhaps, what would preclude Congress under this amendment from establishing such a system to determine when words adopted from foreign tongues are sufficiently anglicized for officialdom?

Ms. **Bikales**. Well, I think that is basically a nonproblem, given our history. We have been very open to other expressions. We do not have a history of being puritanical about terminology or anything like that. By the way, you might add Mexico to the list of countries that is looking for purity in the preservation of its language in its purest form. We do not have such a history, and if it makes sense, by tradition and by context, then it seems to me there is absolutely no problem using Latin or anything else where it belongs.

Mr. **Torres**. I guess that response by Ms. Bikales is a good example of the fact that they have not really thought this out well enough. There are many points that they have not thought out well regarding the far-reaching consequences of this type of constitutional amendment, its intention, regardless of what its proponents may contend. There are some serious far-reaching difficulties that this type of an amendment would create, which I would suggest for the record that the proponents go back and do more research and report back to the committee and submit a more thorough analysis of the legal consequences as well as the legal difficulties and/or legal questions that may arise in other arenas.

Ms. **Bikales**. May I just answer that for a moment, if I may?

Mr. **Rader**. Certainly.

Ms. **Bikales**. I think we have never had as many law school graduates as we have today. I cannot imagine that we cannot overcome what difficulties this amendment may possibly present and change it so as to make it more serviceable.

I think what this amendment will do is establish simply, plainly, clearly, the principle that is already, in fact, that we are an English-speaking Nation, that English is our language, that it enjoys a special status in this society, and that no other language can aspire to that status.

Mr. **Rader**. Thank you very much. The subcommittee appreciates your contribution and the contribution of all the witnesses to the building of this record today, and we will stand adjourned until the next hearing.

[Whereupon, at 12:15 p.m., the subcommittee was adjourned.]

APPENDIX

Additional Material for the Record

Congressional Research Service
The Library of Congress

Washington, D.C. 20540

STATE STATUTORY RECOGNITION OF ENGLISH AS THE OFFICIAL LANGUAGE OF THE UNITED STATES

Mark E. Gurevitz
Legislative Research Assistant
American Law Division
March 1, 1984

STATE STATUTORY RECOGNITION OF ENGLISH AS THE OFFICIAL LANGUAGE OF THE UNITED STATES

ARIZONA

Arizona Revised Statutes, Through 1984 Cumulative Pocket Part

Enabling Act June 20, 1910, Section 19

Fourth - That provisions shall be made for the establishment and maintenance of public schools which shall be open to all the children of said state and free from sectarian control; and that said schools shall always be conducted in English.

Constitution of Arizona

Article XX Ordinance

Seventh - Provisions shall be made by law for the establishment and maintenance of a system of public schools which shall be open to all children of the state and be free from sectarian control, and said schools shall always be conducted in English.

§ 15-705. Conducting of Schools in English Language; Bilingual Instruction.

A. All schools shall be conducted in English, except special clases as provided in subsection B.

B. In the first eight grades of any common school district or unified school district where there are pupils who have difficulty in writing, speaking or understanding the English language because they are from an environment wherein another language is spoken primarily or exclusively, the school district may provide special programs of bilingual instruction.

ARKANSAS

Arkansas Statutes 1947 Annotated, Through Advance Annotation Service 1982-1983

§ 22-108. Process and Proceeding to be in English Language.

All writs, process, proceedings and records in any court shall be in the English language. . .

§ 80-1605. Basic Language of Instruction.

The basic language of instruction in the common school branches in all the schools of the state, public and private, shall be the English language only.

CALIFORNIA

West's Annotated California Codes, Through Cumulative Pocket Part 1983

Code of Civil Procedure § 185

Proceedings in English Language

Every written proceeding in a court of justice in this state shall be in the English language, and judicial proceedings shall be conducted, preserved, and published in no other.

Code of Civil Procedure § 198

Competency

A person is competent to act as juror if he or she is:

3. Possessed of sufficient knowledge of the English language.

Education Code § 30

Language of Instruction

English shall be the basic language of instruction in all schools.

The governing board of any school district, or community college district, and any private school may determine when and under what circumstances instructions may be given bilingually.

It is the policy of the state to insure that mastery of English by all pupils in the schools; provided that bilingual instruction may be offered in those situations when such instruction is educationally advantageous to the pupils. Bilingual instruction is authorized to the extent that it does not interfere with the systematic, sequential, and regular instruction of all pupils in the English language.

Penal Code § 893

Competecy

(a) A person is competent to act as a grand juror only if he possess each of the following qualifications:

(3) He is possessed of sufficient knowledge of the English language.

COLORADO

Colorado Revised Statutes 1973, Through Advanced Annotation Service 1982

§ 22-1-103. Policy of State to Instruct in English.

Instruction in the common branches of study in the public schools of this state shall be conducted principally through the medium of the English language; except that it shall be the policy of the state also to encourage the school districts of the state to develop bilingual skills and to assist pupils whose experience is largely in a language other than English to make an effective transition to English with the least possible interference in other learning activities.

CONNECTICUT

Connecticut General Statutes Annotated, Through Cumulative Annual Pocket Part 1983-1984

§ 10-17. English Language to be Medium of Instruction.

The medium of instruction and administration in all public and private elementary schools shall be the English language, except that instruction as provided in sections 10-17a and 10-17f may be given in any language other than English to any pupil who, by reason of foreign birth, ancestry or otherwise, experiences difficulty in reading and understanding English.

§ 10-17a. Establishment of Bilingual and Bicultural Program.

Any local or regional board of education may establish at any level of instruction a bilingual and bicultural program of study involving a culture in which a language other than English is predominately spoken, provided the purpose of such program shall be to enable children to become proficient in English. A private school may, with the approval of the state board of education, establish such a program of bilingual education.

IDAHO

Idaho Code, Through 1983 Cumulative Pocket Supplement

§ 2-209. Court Determination of Qualification of Prospective Juror.

(2) A prospective juror is disqualified to serve on a jury if he:

(b) is unable to read, speak, and understand the English language.

§ 33-1601. Instruction in English Language.

Instruction in all subjects in the public schools, except that required for the teaching of foreign languages, shall be conducted in the English language. Provided, however, that for students where the language spoken in their home is not English, instruction may be given in a language other than English as necessary to allow for the transition of the students to the English language.

ILLINOIS

Smith-Hurd Illinois Annotated Statutes, Through 1983-1984 Cumulative Annual Pocket Part

Chapter 1 § 3005. English Language.

The official language of the State of Illinois is English.

Chapter 122 § 27-2. Instruction in English Language.

Instruction in the elementary branches of education in all schools shall be in the English language except in vocational schools where the pupils have already received the required instruction in English during the current school year.

Chapter 122 § 34-18.2. Bilingual Programs.

The Board of Education may provide programs in a language other than the English for those children whose first language is other than English.

IOWA

Iowa Code Annotated, Through 1983-1984 Cumulative Annual Pocket Part

§ 280.4. Medium of Instruction.

The medium of instruction in all secular subjects taught both in public and nonpublic schools shall be in the English language, except when use of a foreign language is deemed appropriate in the teaching of any subject or when the student is non-English-speaking. When the student is non-English speaking, both public and nonpublic schools shall provide special instruction, which shall include but need not be limited to either instruction in the English language or a transitional bilingual program, until the student demonstrates a functional ability to speak, write, read and understand the English language. As used in this section, "non-English-speaking student" means a student whose native language is not English and whose inability or limited ability to speak, write or read English significantly impedes educational progress.

§ 607.1 Competency.

All qualified electors of the state of good moral character, sound judgment, and in full possession of the senses of hearing and seeing, and who can speak, write, and read the English language, are competent jurors in their respective counties.

KENTUCKY

Kentucky Revised Statutes 1983 Replacement

§ 446.060. Writings--

(2) Every writing contemplated by the laws of this state shall be in the English language.

LOUISIANA

West's Louisiana Statutes Annotated, Through 1983 Cumulative Annual Pocket Part

Title 11 Article 401. General Qualification of Jurors.

In order to qualify to serve as a juror, a person must:

(3) Be able to read, write, and speak the English language.

MAINE

Maine Revised Statutes Annotated, Through 1982-1983 Cumulative Pocket Part

20 § 102. Duties (Commissioner of Education)

7. Studies to be Taught

The basic language of instruction in all schools, public and private, shall be the English language.

MARYLAND

Annotated Code of Maryland, Through 1983 Cumulative Supplement

§ 8-207. Qualification for Jury Service.

(b) Grounds for disqualifications.

(2) Is unable to read, write, or understand the English language with a degree of proficiency sufficient to fill out satisfactorily the jury qualification form

(3) Is unable to speak the English language or comprehend spoken English;

MASSACHUSETTS

Massachusetts General Laws Annotated, Through 1983-1984 Cumulative Annual Pocket Part

§ 234 § 4. Disqualification from Juror Service.

3. Such person is not able to speak and understand the English language.

MICHIGAN

Michigan Compiled Laws Annotated, Through 1983-1984 Cumulative Annual Pocket Part

§ 380.1151. School Instruction in English; Except Section 1151.

(1) English shall be the basic language of instruction in the public and nonpublic schools of this state and in state institutions.

(2) Subsection (1) shall not be construed as applying to:

(a) religious instruction in a nonpublic school given in a foreign language in addition to the regular course of study.

(b) a course of instruction in a foreign language in which the pupil acquires sufficient proficiency to be conversant in the foreign language.

(c) bilingual instruction which will assist children of limited English-speaking ability to achieve reasonable efficiency in the English language.

§ 600.1307a. Jurors; Qualifications.

Sec. 1370a(b) be conversant with the English language.

§ 600.1427. Writs, Process, Records; use of English, Paper, Abbreviations.

Sec. 1427 All writs, process, proceedings and records in any court within this state, shall be in the English language (except that the proper and known names of process, and technical words, may be expressed in the language heretofore and now commonly used), and shall be made out on paper, in words at length, and not abbreviated; but such abbreviations are now commonly used in the English language may be used, and numbers may be expressed, Arabic figures, or Roman numerals, in the customary manner.

MINNESOTA

Minnesota Statutes Annotated, Through 1983 Cumulative Annual Pocket Part

§ 120.10. Compulsory Attendance.

Subd 2 School. A school, to satisfy the requirements of compulsory attendance, must be one: (1) in which all the common branches are taught in the English language, from textbooks written in the English language. . . (2) . . .provided that in a program of instruction for limited English proficiency, instruction and textbooks may be in the primary language of the children of limited English proficiency enrolled therein.

§ 126.07. Instruction, Use of English Language.

The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; provided that in the case of a program for children of limited English proficiency instruction and books may be in the primary language of the children of limited English proficiency.

§ 593.41. Qualifications for Jury Service.

Subd 2 a prospective juror is disqualified to serve as a juror if he:

(4) Is unable to read and speak the English language;

MISSOURI

Vernon's Annotated Missouri Statutes, Through 1983 Cumulative Annual Pocket Parts

§ 476.050. Records to be Kept in English Language.

All writs, process, proceedings and records in any court of record, and in all inferior tribunals established by law, shall be in the English language, except that the proper and known names of process and technical words may be expressed in the language heretofore and now commonly used, and shall be made out on paper or parchment, in a fair, legible character, in words at length and not abbreviated; but such abbreviations as are now commonly used in the English language may be used, and numbers may be expressed by Arabic figures or Roman numerals, in the customary way.

§ 494.020. Persons Ineligible for Service.

1. The following persons shall be ineligible to serve as juror, either grand or petit:

   (2) any person who is unable to read, write, speak and understand the English language;

MONTANA

Montana Code Annotated 1983

§ 3-1-314. Proceedings to be in English Language.

Every written proceeding in a court of justice in this state must be in the English language, and judicial proceedings must be conducted, preserved, and published in no other.

NEBRASKA

Revised Statutes of Nebraska 1943, Through 1982 Cumulative Supplements

Constitution of Nebraska

Article I Section 27

The English language is hereby declared to be the official language of this state, and all official proceedings, records and publications shall be in such language, and the common school branches shall be taught in said language in public, private, denominational and parochial schools.

NEVADA

Nevada Revised Statutes 1981

§ 1.040. Written Proceedings to be in English Language.

Every written proceeding in a court of justice in this state, or before a judicial officer, shall be in the English language. . .

NEW HAMPSHIRE

New Hampshire Revised Statutes Annotated, Through 1983 Replacement Edition

§ 189:19. English Required.

In the instruction of children in all schools, including private schools, in reading, writing, spelling, arithmetic, grammar, geography, physiology, history, civil government, music, and drawing, the English language shall be used exclusively, both for purposes of instruction therein and for purposes of general administration. Educational programs in the field of bilingual education shall be permitted under the provisions of this section with the approval of the State Board of Education and the local school district.

§ 509:1. English Language to be Used.

Writs, declarations, processes, indictments, answers, pleadings and entries of record in the courts shall be in the English language, and in no other.

NEW JERSEY

New Jersey Annotated, Through 1983-1984 Cumulative Pocket Part

§ 52:36-4. Laws and Documents to be Printed in English.

No laws or printed documents shall be printed, published or advertised by the authority or at the cost of the state, except in the English language.

NEW YORK

McKinney's Consolidated Laws of New York Annotated, Through 1983-1984 Cumulative Annual Pocket Part

CPLR Civil Practice Law and Rules

Rule 2101. Form of Papers.

(b) Language.

Each paper served or filed shall be in the English language which, where practicable, shall be of ordinary usage. Where an affidavit or exhibit annexed to a paper served or filed is in a foreign language, it shall be accompanied by an English translation and an affidavit by the translator stating his qualifications and that the translation is accurate.

Education Law

§ 3204. Instruction Required.

(2) Quality and language of instruction; text-books. Instruction may be given only by a competent teacher. In the teaching of the subjects of instruction prescribed by this section, English shall be the language of instruction, and text-books used shall be written in English except that for a period of three years, which period may be extended by the commissioner with respect to individual pupils, upon application therefore by the appropriate school authorities, to a period not in exceus of six years from the date of enrollment in school, pupils who, by reason of foreign birth or ancestry have limited English proficiency, shall be provided with instructional programs specified in subdivision two-a of this section and the regulations of the commissioner. The purpose of providing such pupils with instruction shall be to enable them to develop-academically while achieving competence in the English language.

Judiciary Law

§ 510. Qualifications.

In order to qualify as a juror a person must:

5. Be intelligent, of good character, able to read and write the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification questionnaire, and be able to speak the English language in an understandable manner.

NORTH CAROLINA

General Statutes of North Carolina Replacement 1983

§ 115C-81. Required Curriculum.

Local boards of education shall require that all subjects in the course of study, except foreign languages, be taught in the English language, and any teacher or principal who shall refuse to conduct his recitations in the English language may be dismissed.

OKLAHOMA

Oklahoma Statutes Annotated, Through 1982-1983 Cumulative Annual Pocket Parts

Title 22 § 658. Causes for Challenge, in General.

2. A want of any of the qualifications prescribed by law, to render a person a competent juror, including a want of knowledge of the English language as used in the courts.

Title 70 § 11-102. Instruction Conducted in English Language.

Instruction given in the several branches of learning in the public schools shall be conducted in the English language except as is necessary for the teaching of foreign languages.

Constitution

Article 1 § 5. Public Schools

Provision shall be made for the establishment and maintenence of a system of public schools, which shall be open to all the children of the state and free from sectarian control; and said schools shall always be conducted in English: Provided, that nothing herein shall preclude the teaching of other languages in said public schools.

OREGON

Oregon Revised Statutes, Through Replacement Parts 1981

§ 1.150. Proceedings to be in English; use of Abbreviations.

Every writing in any action, suit or proceeding in a court of justice of this state, or before a judicial officer, shall be in english; but common abbreviations may be used.

§ 192-310. Records and Reports Required by Law to be in English.

With the exception of physicians' prescriptions, all records, reports and proceedings required to be keep by law shall be in the English language or in a machine language capable of being converted to the English language by a data processing device or computer.

§ 336.074. Teaching in English Required; Exceptions.

Instruction in all subjects in public, private and parochial schools shall be conducted primarily in English, except:

(1) Instruction in foreign languages.

(2) Instruction may be conducted in more than one language in order that pupils whose native language is other than English can develop bilingual skills to make an early and effective transition to English and benefit from increased educational opportunities.

PENNSYLVANIA

Purdon's Pennsylvania Statutes Annotated, Through 1983-1984 Cumulative Annual Pocket Part

Title 24

§ 13-1327. Compulsory School Attendance.

Every child of compulsory school age having a legal residence in this commonwealth, as provided in this article, and every migratory child of compulsory school age, is required to attend a day school in which the subjects and activities prescribed by the standards of the State Board of Education are taught in the English language.

Title 42

§ 4502. Qualification of Jurors.

Every citizen of this common wealth who is of the required minimum age for voting for state or local officials and who resides in the county shall be qualified to serve as a juror therein unless such citizen.

(1) is unable to read, write, speak and understand the English language.

TEXAS

Vernon's Texas Codes Annotated, Through 1982-1983 Cumulative Annual Pocket Part

Education Code

§ 21.109. Language of Instruction.

(a) English shall be the basic language of instruction in all schools.

(b) It is the policy of this state to insure the mastery of English by all pupils in the schools; provided that bilingual instruction may be offered or permitted in those situations when such instruction is necessary to insure their reasonable efficiency in the English language so as not to be educationally disadvantaged.

VERMONT

Vermont Statutes Annotated, Through 1981 Cumulative Pocket Supplement

4 § 731. English Language.

Writs, process, complaints, information, indictments, pleas, answers and entries in the courts, except technical terms, shall be in the English language.

VIRGINIA

Code of Virginia Annotated 1950, Through 1983 Cumulative Supplement

§ 22.1-212.1. English as Official Language.

English shall be designated as the official language of the commonwealth of Virginia. School boards shall have no obligation to teach the standard curriculum in a language other than English.

WISCONSIN

West's Wisconsin Statutes Annotated, Through 1983-1984 Cumulative Pocket Part

§ 256.18. Process, etc. to be in English.

All writs, process, proceedings and records in any court within this state shall be in the English language, except that proper and known names of process and technical words may be expressed in the language heretofore and commonly used, and shall be made out on paper or parchment in a fair, legible character, in words at length and not abbreviated; but such abbreviations as are now commonly used in the English language may be used and numbers may be expressed by Arabic figures or Roman numerals in the usual manner.

§ 756.01. Qualifications of Jurors.

(1) Persons who are U.S. citizens, who are electors of the state, . . ., who are able to read and understand the English language. . .

Mark E. Gurevitz
Legislative Research
Assistant
American Law Division
March 1, 1984

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

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October 11, 1984

The Hon. Paul L. Douglas
Attorney General of Nebraska
P.O. Box 94906 Room 2115
State Capitol
Lincoln, Nebraska 68509-4906

Dear Attorney General Douglas:

The Senate Subcommittee on the Constitution, of which I am Chairman, is currently compiling information on the English Language Amendment which would declare English the official language of the United States. As a state which has already chosen English as its official tongue, we would like to know what effect that designation has had on your state and its government. We are especially interested in learning from you the benefits and drawbacks of your statute based on information available to you as well as your personal reflections on this matter.

I would appreciate any information you are at liberty to share on this topic at your earliest convenience. These data should help us produce a definitive legislative record on an official language policy and should assist Congress considerably in its future deliberations on this important issue.

Thank you for your time and cooperation.

Sincerely,

Orrin Hatch

Orrin G. Hatch
U.S. Senator

Dept. of Justice
OCT 1 9 1984
State of Nebraska

OGH:dem

STATE OF NEBRASKA
Department of Justice
LINCOLN, NEBRASKA 68509 · TEL (402) 471-2682
PAUL L. DOUGLAS
Attorney General

1984 DEC -7 AM 10 01

December 3, 1984

Senator Orrin G. Hatch
United States Senate
Committee on the Judiciary
Washington, DC 20510

Dear Senator Hatch:

After consulting the Secretary of State, the Department of Education, and the Mexican American Commission of the State of Nebraska, it appears to me that the designation of English as the official language of the State has had minimal effects on the State and its government. Please find enclosed letters from the Secretary of State, the Commissioner of Education and the Executive Director of the Mexican American Commission.

The Secretary of State informs me that using English as the official language of the State has not caused problems in government, commerce, schools, or industry. He further states that, when bilingual ballots were required by Congress in two counties in Nebraska, they were utilized by only two voters in eight elections.

The Commissioner of Education expresses the opinion that declaring English the official language of the State has had little impact, if any, on the Nebraska educational system. He advances the concern of a staff member of the Department that enactment of federal legislation declaring English the official language of the United States would prevent the use of foreign languages in subject-matter instruction. Attached to his letter to me is a statement by S.I. Hayakawa with regard to an English language amendment which he proposed in 1982.

The Director of the Mexican American Commission informs me that no complaints with regard to the current Nebraska law have been received by the Commission. The Director of the Commission believes that national legislation declaring English the official language of the United States is not necessary and would be costly. Attached to his letter to me are three items: (1) an article from the NALEO National Report supporting a constitutional amendment introduced by Senator Walter Huddleston which would make English the official language of the United States; (2) an editorial from the Omaha World Herald newspaper favoring English as the official language of our country; and (3) a news release from the Council of La Raza opposing an official language of the United States because non-English speaking citizens would thereby be disenfranchised.

I hope that this information will be of assistance to you.

Sincerely,

Paul L. Douglas

PLD/bae

Enclosures

NEBRASKA DEPARTMENT OF EDUCATION

Box 94987 301 Centennial Mall South Lincoln, Nebraska 68509 Telephone: (402) 471-2295

November 15, 1984

Paul L. Douglas
Attorney General
Department of Justice
State Capitol
Lincoln, NE 68509

RE: English Language Amendment

Dear Attorney General Douglas:

In response to your letter of October 24, 1984, regarding Senator Hatch's letter, I am enclosing a 1982 letter from former Senator Hayakawa listing some of the reasons that he supported the amendment.

It does not appear that there have been any State Supreme Court cases involving our state constitutional amendments since it was adopted in 1920, and it probably has had little impact one way or the other on our state government and educational system since Nebraska's population is mostly English speaking anyway.

Our bilingual education consultant is concerned that the proposed federal amendment would prevent the use of foreign languages for instruction in the content areas while a student is learning English. Her concern is that such prohibition might cause a student to fall behind in academic areas while they spend their time learning English, thereby making it more difficult to catch up once English is fully mastered, which could take three to five years. Of course, regardless of what Senator Hayakawa indicated in his letter, the proposed amendment would not necessarily prohibit subject matter instruction when a student doesn't have a comprehension of the English language, unless courts interpret it in that manner.

An obvious advantage of the proposed amendment would be the prevention of potential legislation requiring dual translation of government documents, as has occurred in the past in Canada, which could cause government agencies to duplicate much of their paperwork. It would also prevent an individual state from possibly choosing another official language, which could cause problems in government interstate transactions.

Sincerely,

Joe E. Lutjeharms

JOE E. LUTJEHARMS
Commissioner of Education

JEL:DCR:cll

Dept. of Justice
NOV 15 1984
State of Nebraska

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an equal opportunity agency

S. I. HAYAKAWA
CALIFORNIA

PATTY WHITE
ADMINISTRATIVE ASSISTANT

United States Senate
WASHINGTON, D.C. 20510

COMMITTEES
AGRICULTURE, NUTRITION
AND FORESTRY
FOREIGN RELATIONS
SMALL BUSINESS

December, 1982

RE: SHOULD ENGLISH BE DESIGNATED AS THE OFFICIAL LANGUAGE OF THE UNITED STATES?

Dear Concerned Citizen:

The English language is the great unifying force of the United States. Our first settlers were English, but they were followed by a hundred or more other nationalities. In the U.S. Senate, there are such names as Abdnor, Boschwitz, DeConcini, Durenberger, Laxalt, Matsunaga, Metzenbaum, Sarbanes, Tsongas and Zorinsky. In the House of Representatives, there are Addabbo, Akaka, Biaggi, Daschle, de la Garza, Gonzalez, Kogovsek, Lagomarsino, Matsui, Mikulski, Vander Jagt, and Zablocki. We are all immigrants, or the children or grandchildren of immigrants. Whatever language our families started out with, we all learned English and became part of the mainstream of American life.

We Are Not Being Candid

We are less than honest with linguistic minority groups if we tell them that they can take full part in American life without learning English. Yet, that is what we are telling them.

According to law, a person must be able to "read, write and speak English in ordinary usage" to become a citizen. Nevertheless, the law now requires a so-called "bilingual" ballot for those who do not read English. The bilingual ballot law simply negates our naturalization laws.

There is also "bilingual education," which is essentially monolingual education in the immigrant child's language. Since children are at the absolute height of their language-learning powers from the ages of two to twelve, (powers which rapidly decline thereafter), any time spent during those years in instruction in the immigrant language is time lost from learning English.

Fortunately, the Department of Education under the current administration approves the use of the immigrant language in public schools only to facilitate the teaching of English. However, pressure groups continue to try to expand the use of immigrant languages in public education.

As a result we are sending conflicting signals to the non-English-speaking people among us. Do they need to learn English or don't they?

English In A Strong, Unified America

Our unique success as a "melting pot" could not have happened if we had not, quite informally, agreed on a common language. Each of us is strengthened by the contributions made to our civilization by people of other cultures, other backgrounds.

To assure that we do not lose this great strength, I have introduced a Constitutional Amendment which declares: "The English language shall be the official language of the United States." As of now, my Amendment has twelve cosponsors. Since I am leaving the Senate at the end of this year, the Amendment will be re-introduced and advanced in the Senate by my cosponsors; I shall actively work for the Amendment as a private citizen.

If passed, this Amendment will stop the use of the so-called "bilingual ballot." It will allow instruction in English in non-English languages to accelerate the learning of English, but do away with the use of foreign languages in subject-matter instruction. It will establish English as the official language of Federal, State and local government business.

There are several things the Constitutional Amendment will not do. It does not discourage the use of Greek, Latin, Hebrew, Sanskrit, Arabic or any other language for religious or ceremonial occasions. It does not discourage the use of foreign languages for domestic or community use or for the preservation of cherished ancestral cultures. It does not affect the teaching of foreign languages to American students. Indeed, I believe American students should study more foreign languages, not fewer.

Finally, I would like your views on this subject. Enclosed you will find a short questionnaire. Please complete your Questionnaire and return it to me. Mark the answer which most closely represents your views, fold with return address showing outward and mail. I shall be most grateful.

Sincerely yours,

Sam Hayakawa

S. I. Hayakawa
U.S. Senator

BEST COPY AVAILABLE

DEPARTMENT OF STATE

Allen J. Beermann

SECRETARY OF STATE
SUITE 2300 CAPITOL BUILDING
LINCOLN, NEBRASKA 68509
PHONE 471-2554

October 27, 1984

Dept. of Justice
NOV 28 1984
State of Nebraska

Honorable Orrin G. Hatch, Chairman
United States Senator
Subcommittee on the Constitution
Washington, D.C. 20510

Dear Senator Hatch:

I have at hand your letter of October 11, 1984, addressed to the Honorable Paul L. Douglas, Attorney General for the State of Nebraska.

As you correctly observed in your letter, Nebraska is a State that by Constitution has adopted the official language, namely the English language. Sub.Sec. 27 of the Bill of Rights, Article I, Constitution of the State of Nebraska, on p. 4 (copy enclosed). I have been in state government for approximately twenty years and I can state to you without hesitation or reservation that Nebraska has had no problems either in government, schools, commerce or industry using English as our official language in the State of Nebraska. The English language was declared our official language back in 1975 so we have had a one hundred and ten year history officially using the English Language.

I can relate to you also that a few years ago Congress (not exercising good judgement or wisdom) passed a law declaring that certain of our election ballots in a couple of counties had to be bilingual. Especially in Scotts Bluff County, the ballot materials had to be in Spanish and in Thurston County, American Indian. The Spanish American population in Scotts Bluff County were incensed and felt that law was an insult. As a matter of fact, in eight elections only two people drew the bilingual ballot in Scotts Bluff County. The American Indian language is an oral language so we could not send ballots so we had sign language interpreters and these people sat there twelve hours each election day and did not receive a single request for interpretation by a single voter. Likewise, has now been taken off the list of bilingual counties in Nebraska.

In summary, we have had no problem using the English language as the official language in Nebraska as set out in the Constitution.

Respectfully submitted,

ALLEN J. BEERMANN
SECRETARY OF STATE

AJB:Ls

"Political Society Exists for the Sake of Noble Living"—Aristotle

STATE OF NEBRASKA
ROBERT KERREY • GOVERNOR • RUDY PERALEZ • DIRECTOR

October 30, 1984

Honorable Paul Douglas
Attorney General
State of Nebraska
State Capitol, Room 2115
Lincoln, NE

Dear Mr. Douglas:

I have received your letter and the letter from Senator Hatch concerning national legislation on making English the official language.

In response to your request, this Commission has received no complaints concerning the state law now in effect. This is not to say that there have been no incidents concerning this law, nor does it mean that there will not be any problems in the future.

It appears that most Nebraskans are not aware of the law. It is also true that most Nebraskans are able to speak the English language. Therefore, it appears to me that most Nebraskans, including Spanish speaking Hispanics, realize that English is the main language spoken.

The Commission has received complaints of employers reprimanding their employees for speaking Spanish on the job. The incidents did not involve the public.

I believe the need for a national amendment is not necessary and would cost a great deal of money. It may also cause new questions to arise over various federal programs now in existence.

I have enclosed some materials that may be helpful to you. If I can be of further help, please let me know.

Sincerely,

Rudy Peralez

Rudy Peralez
Executive Director

Dept. of Justice
OCT 31 1984
State of Nebraska

hmt

Enclosures

MEXICAN AMERICAN COMMISSION
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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

WASHINGTON BRIEFS

NALEO Wins I.N.S. Relief

Congress has acted to remedy the backlog of 200,000 citizenship applications facing the Immigration and Naturalization Service (INS). This spring NALEO gave the House and Senate evidence that insufficient staff funding has created lengthy delays in processing citizenship applications.

The House and Senate responded by recommending that INS be given a budget that is six million dollars more than the Administration had requested for 1985. (See the chart below.) With $2.8 million of this increase, INS plans to hire 76 new service staff to handle citizenship and immigration requests.

This move to raise service funding is a break from the past, revealing a new recognition by both parties of an applicant's right to swift processing. As part of NALEO's Citizenship Initiative, we will continue to see that effective adjudication and naturalization procedures become an established priority. ■

Minority Grants Saved

For the second year in a row, the House of Representatives and the Senate Appropriations Committee voted to enhance graduate and professional training fellowships for minorities and women (GPOP).

Both chambers overrode the Administration's proposal to eliminate GPOP funding and, instead, approved a NALEO-supported increase for the fellowships.

Overall, the House slated $12,000,000 to GPOP for FY 1985. The Senate Committee's slightly lower budget of $11,500,000 still needs full Senate approval before both budgets are reconciled in House-Senate conference.

Since the differences in the two proposals are small, prospects are good that in 1985, GPOP will fund 1,450 minority fellowships, half of which will be in engineering and physical and life sciences. ■

Bilingual ED — A Winner

The House of Representatives approved funding for bilingual and vocational education at $143,656,000 for FY 1985, an increase of $4.5 million over the administration's request. Of this, the House gave an $8 million increase to basic grants, which, if passed in the final bill, will mean that 30,000 more children can attend bilingual education classes in 1985.

While the bulk of the appropriations would go directly to school districts for Title VII programs, the House budget also calls for four research studies. It asks the Office of Bilingual Education to (1) learn effective ways of identifying students who can benefit from Title VII programs, (2) assess when students have developed sufficient English to gain from all-English instruction, (3) evaluate all Title VII training programs, and (4) find the deficiencies in how Title VII is presently evaluated.

continued on page 4.

Freedom of Language

The U.S. will lose "common resolve and common destiny," if English is not protected from rival languages, said the director of the organization U.S. English at a Senate Judiciary Subcommittee hearing this June. Under review was a Constitutional amendment which would make English "the official language of the U.S."

Senator Walter Huddleston (D-KY) introduced the amendment last fall. The main force behind it has been U.S. English, whose purported 40,000 members claim that cultural and linguistic diversity has weakened our nation's cohesiveness.

Baltasar Corrada, Resident Commissioner from Puerto Rico and NALEO's Secretary/Treasurer, assailed this rhetoric at the hearing. "It is as insidious to base the strength or unity of the U.S. in one language as . . . in one race," said Corrada.

Corrada explained that establishing one national language would violate freedom of speech, as well as threaten federal programs "crafted to help bring immigrants and migrants into the mainstream."

Of special concern are bilingual education programs and the Voting Rights Act. Their constitutionality could be challenged by the passage of this amendment.

The English language has integrated generations of immigrant languages, and will continue to do so. What is endangered, however, is our nation's ability to open the democratic process to all of its citizens.

In Texas, *83 percent* of all adults who speak Spanish in their homes are U.S. citizens. Likewise, *76 percent* of Spanish-speaking persons in New York, and *56 percent* in California, are U.S. citizens.

Bilingual education programs help these *Americans* learn English and acquire new job skills. The Voting Rights Act enables them to vote in their language.

For this year, Huddleston's amendment has been laid to rest, but his office promises to push for it again in the next Senate session. We can be sure that U.S. English will push for it, too. As developments occur, NALEO will keep you informed. ■

A DISTURBING DEVELOPMENT

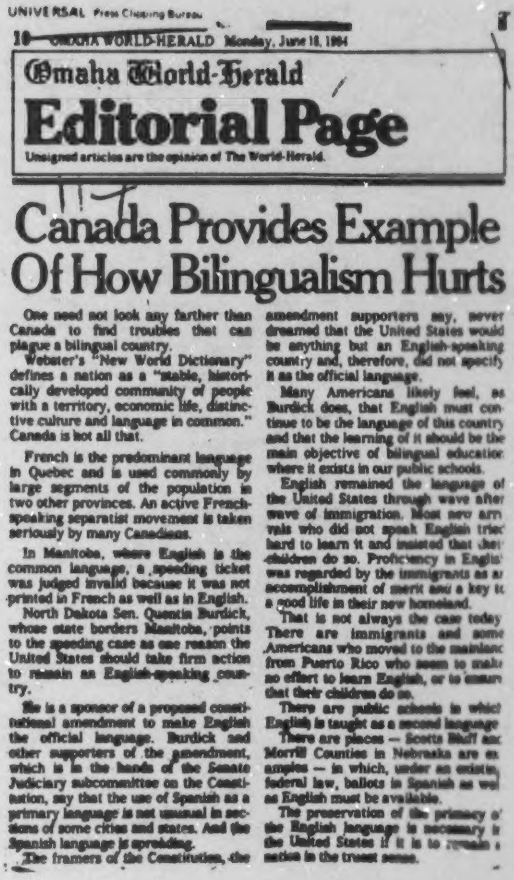
Actions in California reveal the vulnerability of the Voting Rights Act in this era of fiscal belt-tightening. In November, Californians will vote on Proposition 38, which would require their governor to press the President for an amendment to eliminate all bilingual ballots and voting materials. ■

1985 ENFORCEMENT VS. SERVICE BUDGETS IMMIGRATION AND NATURALIZATION SERVICE (In Thousands)

Activity*	Administration Request		Congressional Add-on		Total Budget	
	Staff	Budget	Staff	Budget	Staff	Budget
ENFORCEMENT						
Inspections	1,454	$ 75,046	80	$ 2,309	1,534	$ 77,355
Border Patrol	3,715	160,050			3,715	160,050
Investigations	1,025	42,062			1,025	42,062
Antismuggling	318	14,479	14	588	332	15,067
Detention & Deportation	1,148	79,010			1,148	79,010
Total Enforcement	7,660	371,255	94	2,897	7,754	374,152
SERVICES						
Adjudication & Naturalization	1,170	41,395	76	2,797	1,246	44,192
Refugees & Overseas Service	64	7,681			64	7,681
Total Services	1,234	49,076	76	2,797	1,310	51,873

This table compares the administration's budget to the final budget, as well as allocations for enforcement to those for service activities.

* Miscellaneous activities are omitted above. They bring the INS FY '85 budget to $576.4 million. Of this amount, $44.2 million will go to adjudication and naturalization.



UNIVERSAL Press Clipping Bureau

10 OMAHA WORLD-HERALD Monday, June 18, 1984

Omaha World-Herald

Editorial Page

Unsigned articles are the opinion of The World-Herald.

Canada Provides Example Of How Bilingualism Hurts

One need not look any farther than Canada to find troubles that can plague a bilingual country.

Webster's "New World Dictionary" defines a nation as a "stable, historically developed community of people with a territory, economic life, distinctive culture and language in common." Canada is not all that.

French is the predominant language in Quebec and is used commonly by large segments of the population in two other provinces. An active French-speaking separatist movement is taken seriously by many Canadians.

In Manitoba, where English is the common language, a speeding ticket was judged invalid because it was not printed in French as well as in English.

North Dakota Sen. Quentin Burdick, whose state borders Manitoba, points to the speeding case as one reason the United States should take firm action to remain an English-speaking country.

He is a sponsor of a proposed constitutional amendment to make English the official language. Burdick and other supporters of the amendment, which is in the hands of the Senate Judiciary subcommittee on the Constitution, say that the use of Spanish as a primary language is not unusual in sections of some cities and states. And the Spanish language is spreading.

The framers of the Constitution, the amendment supporters say, never dreamed that the United States would be anything but an English-speaking country and, therefore, did not specify it as the official language.

Many Americans likely feel, as Burdick does, that English must continue to be the language of this country and that the learning of it should be the main objective of bilingual education where it exists in our public schools.

English remained the language of the United States through wave after wave of immigration. Most new arrivals who did not speak English tried hard to learn it and insisted that their children do so. Proficiency in English was regarded by the immigrants as an accomplishment of merit and a key to a good life in their new homeland.

That is not always the case today. There are immigrants and some Americans who moved to the mainland from Puerto Rico who seem to make no effort to learn English, or to ensure that their children do so.

There are public schools in which English is taught as a second language.

There are places — Scotts Bluff and Morrill Counties in Nebraska are examples — in which, under an existing federal law, ballots in Spanish as well as English must be available.

The preservation of the primacy of the English language is necessary in the United States if it is to remain a nation in the truest sense.

DEPARTMENT OF STATE
Allen J. Beermann
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October 29, 1984

Honorable Orrin G. Hatch, Chairman
Subcommittee on the Constitution
Committee on the Judiciary
U.S. Senator
Washington, D. C. 20510

Dear Senator Hatch:

I have at hand your letter of October, 1984 addressed to the Honorable Paul L. Douglas, Attorney General of Nebraska, copy enclosed.

As you correctly observed in your letter, Nebraska is a State that by Constitution, has adopted the official language, namely the English language. See Sec. 27 of the Bill of Rights, Article I, Constitution of the State of Nebraska, on p. 4 (copy enclosed).

I have been in State Government for approximately twenty years and I can state to you without hesitation or reservation that Nebraska has had no problems either in Government, schools, commerce or industry using English as our official language. In the State of Nebraska, the English language was declared our official language back in 1875 so we have had a one hundred and ten year history officially using the English language.

I can relate to you also that a few years ago, Congress (not exercising good judgement or wisdom) passed a law declaring that certain of our election ballots in a couple of counties had to be bilingual; especially Scotts Bluff County, the ballot material had to be in Spanish and in Thurston County, American Indian. The Spanish-American population in Scotts Bluff County was incensed and felt the law was an insult. As a matter of fact, in eight elections, only two people drew the bilingual ballot in Scotts Bluff County. In Thurston County, the American Indian language is an oral language so we could not print a ballot; so we made sign language interpreters available and these people sat there twelve hours each election day and did not receive a single request for interpretation by a single voter. likewise, has now been taken off the list of bilingual counties in Nebraska.

In summary, we have had no problem using the English language as our official language in Nebraska as set out in the Constitution.

Respectfully submitted,

Allen J. Beermann

ALLEN J. BEERMANN
Secretary of State

Enclosures 2

Sec. 23. In all cases of felony the defendant shall have the right of appeal to the Supreme Court: and in capital cases such appeal shall operate as a supersedeas to stay the execution of the sentence of death, until further order of the Supreme Court. (Amended, 1972.)

Sec. 24. The right to be heard in all civil cases in the court of last resort, by appeal, error, or otherwise, shall not be denied.

Sec. 25. There shall be no discrimination between citizens of the United States in respect to the acquisition, ownership, possession, enjoyment or descent of property. The right of aliens in respect to the acquisition, enjoyment and descent of property may be regulated by law.

Sec. 26. This enumeration of rights shall not be construed to impair or deny others, retained by the people, and all powers not herein delegated, remain with the people.

Sec. 27. The English language is hereby declared to be the official language of this state, and all official proceedings, records and publications shall be in such language, and the common school branches shall be taught in said language in public, private, denominational and parochial schools.

ARTICLE II—DISTRIBUTION OF POWERS

Sec. 1. The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

ARTICLE III—LEGISLATIVE

Sec. 1. Commencing with the regular session of the Legislature to be held in January, nineteen hundred and thirty-seven, the legislative authority of the state shall be vested in a Legislature consisting of one chamber. The people reserve for themselves, however, the power to propose laws, and amendments to the constitution, and to enact or reject the same at the polls, independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature. All authority vested by the constitution or laws of the state in the Senate, House of Representatives, or joint session thereof, in so far as applicable, shall be and hereby is vested in said Legislature of one chamber. All provisions in the constitution and laws of the state relating to the Legislature, the Senate, the House of Representatives, joint sessions of the Senate and House of Representatives, Senator, or member of the House of Representatives, shall, in so far as said provisions are applicable, apply to and mean said Legislature of one chamber hereby created and the members thereof. All references to Clerk of House of Representatives or Secretary of Senate shall mean, when applicable, the Clerk of the Legislature of one chamber. All references to Speaker of the House of Representatives or temporary president of the Senate shall mean Speaker of the Legislature. Wherever any provision of the constitution requires submission of any matter to, or action by, the House of Representatives, the Senate, or joint session thereof, or the members of either body or both bodies, it shall after January first, nineteen hundred and thirty-seven, be construed to mean the Legislature herein provided for. (Amended, 1934.)

Sec. 2. The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven per cent of the electors of the state and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten per cent of such electors. In all cases the electors signing such petition shall be so distributed as to include five per cent of the electors of each of two-fifths of the counties of the state and when thus signed the petition shall be filed with the Secretary of State, who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, oftener than once in three years. If conflicting measure submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. (Adopted, 1912. Amended, 1920.)

Sec. 3. The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the

POPULATION BY AGE AND COLOR

Nebraska				1980
Sex and Age	Total	White	Black	Spanish Origin(1)
TOTAL Persons	1,569,825	1,490,381	48,390	28,025
Male	765,894	726,796	23,478	14,263
Female	803,931	763,584	24,912	13,762
Under 5 Years	122,946	113,747	5,216	3,922
5-9 Years	118,045	109,524	5,006	3,343
10-14 Years	120,907	112,627	5,059	3,029
15-19 Years	147,249	137,969	5,927	3,166
20-24 Years	148,734	139,603	5,309	3,258
25-29 Years	134,794	127,174	4,327	2,682
30-34 Years	114,407	108,602	3,308	1,992
35-39 Years	88,424	84,204	2,563	1,392
40-44 Years	75,350	71,[illegible]34	2,234	1,099
45-49 Years	73,797	70,721	1,988	1,017
50-54 Years	76,856	74,131	1,825	915
55-59 Years	75,104	72,845	1,515	716
60-64 Years	67,528	65,790	1,200	456
65-69 Years	61,481	60,049	1,047	357
70-74 Years	52,540	51,513	762	276
75-79 Years	39,987	39,199	558	224
80-84 Years	27,932	27,487	316	120
85 Years & Over	23,744	23,402	230	124
Under 18 Years	447,170	415,647	18,842	12,855
65 Years & Over	205,684	201,650	2,913	1,101
Median Age	29.7	30.2	22.7	20.8

(1) Persons of Spanish origin may be of any race.

Source: U.S. Bureau of the Census, 1980 Census of Population

REPRESENTATIVE SAM W. WOLF, CHAIRMAN
SENATOR JOHN A. D'ARCO, JR., VICE CHAIRMAN
SENATOR JACK SCHAFFER, SECRETARY
H. WILLIAM HEY, DIRECTOR OF RESEARCH

ILLINOIS LEGISLATIVE COUNCIL

107 STRATTON BUILDING • SPRINGFIELD, ILLINOIS 62706 • PHONE: (217) 782-6851

'84 NOV 30 PM 2 17

November 28, 1984

The Honorable Orrin G. Hatch
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Senator Hatch:

Effects of Designating English as Official State Language

On behalf of Illinois Secretary of State Jim Edgar, we are responding to your inquiry about the effects of Illinois' designation of English as its official language. Illinois actually has had two provisions designating an official language--one by constitution, now superseded, and the other by statute that still exists. Since the constitutional provision had greater legal effect and is more analogous to the contemplated national constitutional amendment designating an official language, it will be discussed first.

Constitutional Provision

Beginning with the Illinois Constitution of 1848 and continuing in the Constitution of 1870, Illinois provided that all "laws of the state of Illinois, and all official writings, and the executive, legislative and judicial proceedings, shall be conducted, preserved and published in no other than the English language."[1] The 1870 provision continued in effect until superseded by Illinois' present constitution in 1971. It appears to have been first judicially construed in 1891. The City of Chicago let a contract for publication of legal notices and other matters required to be published in a newspaper, to a German-language newspaper. Although this was in addition to a contract for publication of the notices in an English-language newspaper, the Illinois Supreme Court invalidated the contract as an unauthorized use of public funds under the constitutional provision.[2] In a later case in which an ordinance, required to be published, was published in English but only in a German-language newspaper, the same court not surprisingly also held the publication invalid.[3]

Regarding the language used in judicial proceedings, the Illinois Supreme Court in 1914 and 1922 cases held that the constitutional provision did not prohibit the giving of testimony or taking of depositions in another language, provided the statements were translated into English for the benefit of the judge and jury.[4] On the other hand, the court did caution in a 1910 case that a witness should not testify through an interpreter unless it was shown that the witness could not "testify intelligently in the English language."[5] And perhaps expanding the constitutional provision to meet the exigencies of the case, the state Supreme Court in 1912 held that the record of a trial court, written in abbreviations of English words that would not be intelligible to most people, did not satisfy the constitutional requirement.[6]

In summary, the constitutional provision was held to prohibit publication of any legally required notices other than in the English language, and to prohibit use of other than the English language in the permanent documents of a court. This judicial construction seems reasonable, since the constitutional provision specifically applied to "official writings" and "executive, legislative and judicial proceedings" of the state.

Statute

Partially contemporaneous with the constitutional provision was a somewhat curious statute enacted in 1923, of which we enclose a copy. Judging from its preamble, it was motivated by a combination of anti-Europe sentiment and native American pride. It declared that "[t]he official language of the State of Illinois shall be known hereafter as the 'American' language."[7] A 1928 Illinois Appellate Court decision stated that the American language "in legal effect and intendment is the same thing" as the English language,[8] and an amendment in 1969 changed the statute to say that "[t]he official language of the State of Illinois is English."[9]

The only significant decision under the statute was by the United States Court of Appeals for the Seventh Circuit in 1973. A Puerto Ricans' organization had sued the Chicago election commissioners to require that assistance and printed materials be provided in Spanish to voters from Puerto Rico. The Court of Appeals stated that the Illinois English-language statute "has never been used to prevent publication of official materials in other languages."[10] The court noted that under the policy of the national government Puerto Ricans are United States citizens and may travel freely to the mainland, and upheld the issuance of a consent order requiring Spanish-language assistance in certain precincts.[11] The ground for the decision was primarily the Voting Rights Act of 1965 as amended in 1970.

The Court of Appeals' comment about the effects of the statute appears to be well taken. That statute's mere statement that the official state language is English has not prevented publication of a number of official writings in another language. We are informed that the Secretary of State will soon publish editions of the "Rules of the Road" booklet for drivers in Spanish and Polish, for example, and a statute permits the Secretary of State to give drivers' examinations in Spanish or another language, excepting only examination as to traffic signs that have verbal content.[12] Other statutes provide for giving licensing examinations for two occupations in Spanish,[13] bilingual education in public schools,[14] and providing government service to members of the public using languages other than English.[15]

Summary and Comments

It appears that the constitutional provision, with its emphatic requirement that government documents be in "no other than the English language," had much greater effect than the statute, which merely declares that English is the official language of the state. However, neither prevented accommodations to individuals who did not know English well, such as providing translators in court proceedings. Indeed, it appears that the major effect even of the constitutional provision was psychological or hortatory rather than forceful; residents who did not read and speak English probably would have found it difficult to take advantage of public notices and act on published ordinances even if printed in their own language. However, the constitutional provision and statute may have had some tendency to persuade Americans from various nations to learn English, an assimilation that undoubtedly has contributed greatly to the stability and strength of this country.

Sincerely,

David R. Miller
Senior Staff Attorney

DRM:lam

Enclosure: Illinois Laws 1923, p. 7.

Notes

1. Ill. Const. 1848, Schedule § 18; Ill. Const. 1870, Schedule § 18. Apart from introductory wording the two provisions were identical.
2. *City of Chicago v. McCoy*, 136 Ill. 344, 26 N.E. 363 (1891).
3. *Perkins v. Board of County Commrs. of Cook County*, 271 Ill. 449, 111 N.E. 580 (1916).
4. *Loehde v. Glos*, 265 Ill. 401, 106 N.E. 940 (1914); *Ward Pump Co. v. Industrial Commn.*, 302 Ill. 199, 134 N.E. 127 (1922).
5. *Hackart v. Decatur Coal Co.*, 243 Ill. 49, 90 N.E. 257 (1909)
6. *Stein v. Meyers*, 253 Ill. 199, 97 N.E. 295 (1912).
7. Illinois Laws 1923, p. 7.
8. *Leideck v. City of Chicago*, 248 Ill. App. 545 at 558 (1928).
9. Public Act 76-1464 (1969).
10. *Puerto Rican Organization for Political Action v. Kusper*, 490 F.2d 575 at 577 (7th Cir. 1973).
11. Ibid. at 578-580.
12. Ill. Rev. Stat. 1983, ch. 95 1/2, subsec. 6-109(b).
13. Ill. Rev. Stat. 1983, ch. 111, secs. 1609 (barbers) and 1806 (beauty culturists).
14. Ill. Rev. Stat. 1983, ch. 122, secs. 14C-1 et seq.
15. Ill. Rev. Stat. 1983, ch. 127, sec. 63b109, subsec. (6).

Copy to Secretary of State Jim Edgar

(EXCERPTS)

LAWS

OF THE

STATE OF ILLINOIS

ENACTED BY THE

Fifty-third General Assembly

AT THE

REGULAR BIENNIAL SESSION

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF
SPRINGFIELD, ON THE THIRD DAY OF JANUARY
A. D. 1923, AND ADJOURNED SINE DIE ON
THE THIRTIETH DAY OF JUNE, A. D. 1923

[Printed by authority of the State of Illinois.]

* * * * * * *

AMERICAN LANGUAGE.

OFFICIAL LANGUAGE OF STATE.

§ 1. Official language.

(Senate Bill No. 15. Approved June 19, 1923.)

An Act *establishing the American language as the official language of the State of Illinois.*

Whereas, since the creation of our American Republic there have been certain Tory elements in our country who have never become reconciled to our Republican institutions and have every clung to the tradition of king and empire; and,

Whereas, America has been a haven of liberty and place of opportunity for the common people of all nations, and,

Whereas, these strangers within our gates who seek economic betterment, political freedom, larger opportunities for their children, and citizenship for themselves, come to think of our institutions as American and our language as the American language, and,

Whereas, the name of the language of a country has a powerful psychological influence upon the minds of the people in stimulating and preserving national solidarity, and,

Whereas, the languages of other countries bear the name of the countries where they are spoken, therefore;

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The official language of the State of Illinois shall be known hereafter as the "American" language.

Approved June 19, 1923.

* * * * * * *

STATE OF INDIANA
ATTORNEY GENERAL
INDIANAPOLIS, INDIANA
46204

LINLEY E PEARSON
ATTORNEY GENERAL

October 22, 1984

Honorable Orrin G. Hatch
United States Senator
Committee on the Judiciary
Subcommittee on the Constitution
Washington, D.C. 20510

Dear Senator Hatch:

Public Law 1 [Senate Bill 243] of the 1984 Second Regular Session of the Indiana General Assembly added Indiana Code Section 1-2-10-1 to the Indiana Code, effective September 1, 1984. It reads: "The English language is adopted as the official language of the state of Indiana."

The author of Senate Bill 243 [IC 1-2-10-1] was Senator Joseph V. Corcoran. Senator Ralph J. Potesta was added as an author. Senators David L. Nicholson and William Costas were added as co-authors. The Bill was passed in the Senate, without amendment, by thirty-six (36) yeas and thirteen (13) nays. It was sponsored in the House by Representatives Philip T. Warner and Donald W. Dean and cosponsored by Representative Dennis H. Heeke. The Bill was then passed by the House, without amendment, by sixty-five (65) yeas and thirty (30) nays. General biographical information concerning these Senators and Representatives, including addresses, is attached.

Indiana Code Section 1-2-10-1 has not been in effect a sufficient length of time to determine its impact. Although Indiana has many residents speaking one or more foreign languages, no single foreign language speaking group is as predominant as the Spanish speaking residents of some of the states.

Schools in Indiana are required by Indiana Code Sections 20-10.1-5.5-1 through 20-10.1-5.5-9 to provide bilingual-bicultural instruction for non-English dominant students, designed to meet the student's language skill needs as soon as possible. A copy of these Code Sections is attached. In addition, adult education programs located primarily in the urban areas offer classes in English.

If you need additional information at a later date, we will furnish you whatever is available at that time.

Sincerely,

Linley E. Pearson
by M.K.

Linley E. Pearson
Attorney General of Indiana

2

(b) The state board of education shall include for high school students a separate course on the effects of these drugs on the human system. The state board of education shall authorize high school credit of one [1] semester for those students completing the course.

(c) Each superintendent or assistant superintendent, supervisor, or principal who willfully refuses or neglects to provide this instruction shall be dismissed from his employment. [IC 20-10.1-4-9, as added by Acts 1975, P.L. 240, § 1; P.L.20-1984, § 112.]

Amendments. The 1984 amendment, effective June 30, 1984, designated the formerly undesignated three paragraphs as subsections (a), (b), and (c), substituted "state board of education" for "commission on textbook adoptions" in the second sentence in subsection (a) and "state board of education" for "commission on general education" and "state board of education" for "commission" in the first and second sentences, respectively, in subsection (b), and made a grammatical change in the second sentence in subsection (a).

CHAPTER 5

SPECIAL EDUCATION

20-10.1-5-1—20-10.1-5-12. [Repealed.]

Compiler's Notes. This chapter (IC 20-10.1-5-1 — 20-10.1-5-12, as added by Acts 1975, P.L. 240, § 1) concerning the hearing commission was repealed by Acts 1977, P. L. 6, § 1, effective September 1, 1977

Savings Clause. Section 2 of Acts 1977, P. L. 6 provided that the repeal of this law does not affect any rights and liabilities accrued, penalties incurred or proceedings begun.

CHAPTER 5.5

BILINGUAL-BICULTURAL INSTRUCTION

SECTION.
20-10.1-5.5-1. Definitions.
20-10.1-5.5-2. Program implementation.
20-10.1-5.5-3. Student participation
20-10.1-5.5-4. Notice to parents.
20-10.1-5.5-5. Advisory committees
SECTION.
20-10.1-5.5-6. Part time courses.
20-10.1-5.5-7. Duties of division.
20-10.1-5.5-8. Funding.
20-10.1-5.5-9. Duration of funding.

20-10.1-5.5-1. Definitions. — As used in this chapter:

"Bilingual-bicultural instruction" means the use of written and spoken English and a non-English language to teach students. It includes instruction in the history and culture of both the United States and the homeland of the non-English language.

"Bilingual-bicultural program" means a course of bilingual-bicultural instruction for non-English dominant students, designed to meet the students' language skill needs as soon as possible.

"Division" means the division of migrant bilingual-bicultural education of the department of education.

"Non-English dominant students" means children who have difficulty performing in classes conducted solely in English because:

(1) Their native tongue is not English;

(2) The language most often spoken by the students is not English; or

(3) The language most often spoken in the students' homes is not English.

"Parent" means the parent, guardian, or custodian of any student.

"Teacher of bilingual-bicultural instruction" means a teacher proficient in both English and a non-English language, certified to teach a subject, including the history and culture of both the United States and the homeland of the non-English language. [IC 20-10.1-5.5-1, as added by Acts 1976, P.L. 104, § 1; P.L.20-1984, § 113.]

Amendments. The 1984 amendment, effective June 30, 1984, added "As used in this chapter" at the beginning of the section, substituted "department of education" for "department of public instruction" in the fourth undesignated paragraph, and made a technical change in subdivision (1) of the fifth undesignated paragraph.

Policy of State. Section 2 of Acts 1976, P. L. 104, read: "It is the policy of the state of Indiana to provide bilingual-bicultural programs for all qualified students enrolled in the public schools of the state through the establishment of such programs by the various school corporations. The state of Indiana hereby recognizes the need for and the desirability of such programs to aid students to reach their full academic level of achievement, and to preserve an awareness of cultural and linguistic heritage."

20-10.1-5.5-2. Program implementation. — (a) The superintendent of public instruction shall carry out a bilingual-bicultural program for the improvement of educational opportunities for non-English dominant children by:

(1) Supporting and planning pilot and demonstration projects which are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for non-English dominant children;

(2) Assisting in the establishment and operation of programs which are designed to stimulate:

(A) the provision of educational services not available to non-English dominant children in sufficient quantity or quality; and

(B) the development and establishment of exemplary programs to serve as models for regular school programs in which non-English dominant children are educated;

(3) Assisting in the establishment and operation of preservice and in-service training programs for persons serving non-English dominant children as educational personnel; and

(4) Encouraging the dissemination of information and materials relating to, and the evaluation of the effectiveness of education programs which may offer educational opportunities to non-English dominant children. In the case of activities of the type described above, preference shall be given to the training of non-English dominant children, including innovative programs related to the educational needs of the non-English dominant children.

(b) The superintendent of public instruction is also authorized to assist and stimulate school corporations in developing and establishing bilingual-bicultural educational services and programs specifically designed to improve educational opportunities for non-English dominant children. These funds may be used:

(1) To provide educational services not available to such children in sufficient quantity or quality, including:

(A) remedial and compensatory instruction, psychological, and other services designed to assist and encourage non-English dominant children to enter, remain in, or re-enter elementary or secondary school;

(B) comprehensive academic and vocational instruction;

(C) instructional materials (such as library books, textbooks, and other printed or published or audio-visual materials) and equipment;

(D) comprehensive guidance, counseling, and testing services;

(E) special education programs for the handicapped;

(F) preschool programs;

(G) other services which meet the purposes of this subsection; and

(2) For the establishment and operation of exemplary and innovative educational programs and resource centers, involving new educational approaches, methods and techniques designed to enrich programs of elementary and secondary education for non-English dominant children. [IC 20-10.1-5.5-2, as added by Acts 1976, P. L. 104, § 1, p. 460.]

20-10.1-5.5-3. Student participation. — Students whose dominant language is English shall be allowed to participate in the bilingual-bicultural program unless their participation will hinder the progress of the non-English dominant children.

Children enrolled in a program of bilingual-bicultural education shall, if graded classes are used, be placed, to the extent practicable, in classes with children of approximately the same age and level of educational attainment, as determined after considering such attainment through the use of all necessary languages. If children of significantly varying ages or levels of educational attainment are placed in the same class, the program of bilingual-bicultural education shall seek to insure that each child is provided with instruction which is appropriate for his or her level of educational attainment. The ultimate objective shall be to place the bilingual-bicultural student in the regular course of study. [IC 20-10.1-5.5-3, as added by Acts 1976, P. L. 104, § 1, p. 460.]

20-10.1-5.5-4. Notice to parents. — Before placing a student in a bilingual-bicultural program, the governing body of the school corporation in which the student resides shall notify the student's parent of the placement. The notice shall be in English and the appropriate non-English language. The notice shall state the purposes, methods and content of the program and shall inform the parent of his right to:

(1) visit the program; and

(2) where the student is less than eighteen [18] years old, refuse his child's placement, or withdraw the child from the program. [IC 20-10.1-5.5-4, as added by Acts 1976, P. L. 104, § 1, p. 460.]

20-10.1-5.5-5. Advisory committees. — (a) Before June 1 of each year, the principal of each school operating a bilingual-bicultural program shall appoint a local advisory committee composed of teachers of bilingual-bicultural instruction, counselors, community members, and parents of students enrolled or eligible for enrollment in the bilingual-bicultural program. A majority of the committee members shall be parents of students enrolled or eligible for enrollment in the bilingual-bicultural program. Before July 1 of each year, the governing body of each school corporation operating a bilingual-bicultural program shall select at least one representative from each local advisory committee to serve on a corporation advisory committee. A majority of the committee members shall be parents of students enrolled or eligible for enrollment in the program. Members of the local and corporation advisory committees hold their positions for one [1] year periods.

(b) The local and corporation advisory committees shall participate in planning, implementing, and evaluating the bilingual-bicultural programs. All bilingual-bicultural programs must be approved by the appropriate local advisory committee before implementation. If the advisory committee refuses to approve a program, the division shall arbitrate the dispute.

(c) All school corporations wishing to implement a bilingual-bicultural program shall apply to the superintendent of public instruction for such programs.

(d) All bilingual-bicultural programs must be approved by the state board of education in order to qualify for the distribution of state funds to school corporations for these programs. [IC 20-10.1-5.5-5, as added by Acts 1976, P.L. 104, § 1; P.L.20-1984, § 114.]

Amendments. The 1984 amendment, effective June 30, 1984, combined the former three paragraphs of subsection (a) into a single paragraph and substituted "state board of education" for "commission on general education" in subsection (d).

20-10.1-5.5-6. Part time courses. — School corporations may establish full or part time summer or preschool bilingual-bicultural courses, but they are not substitutes for bilingual-bicultural programs required during the normal school year [IC 20-10.1-5.5-6, as added by Acts 1976, P. L. 104, § 1, p. 460.]

20-10.1-5.5-7. Duties of division. — The division:

(1) shall aid school corporations in developing bilingual-bicultural programs by evaluating instructional materials, compiling material on the theory and practice of bilingual-bicultural instruction, encouraging innovative programs, and otherwise providing technical assistance to the corporations;

(2) shall aid school corporations in developing and administering in-service training programs for school administrators and personnel involved in bilingual-bicultural programs;

(3) shall monitor and evaluate bilingual-bicultural programs conducted by school corporations;

(4) shall make an annual report on the status of the bilingual-bicultural programs to the governor and the general assembly;

(5) shall establish bilingual-bicultural educational resource centers for the use of the school corporations;

(6) may promulgate regulations to implement this chapter [20-10.1-5.5-1 — 20-10.1-5.5-9]. [IC 20-10.1-5.5-7, as added by Acts 1976, P. L. 104, § 1, p. 460.]

20-10.1-5.5-8. Funding. — Each school corporation must make application to the division to receive funds under this chapter [20-10.1-5.5-1 — 20-10.1-5.5-9]. The division director shall determine on a competitive basis, which bilingual-bicultural programs are to receive the funds under this chapter. The criteria are:

(1) The extent to which the educational needs identified and addressed in the application for funds are for programs for areas having the greatest need in the state.

(2) The extent to which educational needs are clearly identified and realistic objectives are carefully planned to meet them.

(3) The extent to which the application sets forth quantifiable measurement of the success of the proposed program in providing children who speak a non-English dominant language with language skills necessary for their education.

(4) The extent to which the application contains evidence that:

(A) the costs of program components are reasonable in relation to the expected benefits; and

(B) the proposed program will be coordinated with existing efforts; and

(C) all possible efforts are being made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed program

(5) The extent to which the application indicates that the personnel to be employed in the program possess qualifications relevant to the objectives of the program.

The division director may not award in excess of three hundred dollars [$300] per pupil under this chapter. [IC 20-10.1-5.5-8, as added by Acts 1976, P. L. 104, § 1, p. 460.]

20-10.1-5.5-9. Duration of funding. — The bilingual-bicultural program of a school corporation may be funded for a minimum of five [5] years under this chapter [20-10.1-5.5-1 — 20-10.1-5.5-9]. [IC 20-10.1-5.5-9, as added by Acts 1976, P. L. 104, § 1, p. 460.]

Policy of State. Section 2 of Acts 1976, P. L. 104, read: "It is the policy of the state of Indiana to provide bilingual-bicultural programs for all qualified students enrolled in the public schools of the state through the establishment of such programs by the various school corporations. The state of Indiana hereby recognizes the need for and the desirability of such programs to aid students to reach their full academic level of achievement, and to preserve an awareness of cultural and linguistic heritage."

CHAPTER 6

VOCATIONAL EDUCATION

SECTION.
20-10.1-6-1. Industrial or manual training and education — Establishment.
20-10.1-6-2. Vocational education — Establishment.
20-10.1-6-2.5. Contract with not-for-profit corporation for establishment of building trades vocational program.
20-10.1-6-3. Mandatory courses — Teacher qualification.
20-10.1-6-4. Class time and instruction.
20-10.1-6-5. Age of student.
20-10.1-6-6. Attendance.
SECTION.
20-10.1-6-7. Cooperative programs with employers.
20-10.1-6-8. The student as worker — Applicability of workmen's compensation law.
20-10.1-6-8.5. Vocational youth organization fund — Appropriation — Grants.
20-10.1-6-9. Role of state board.
20-10.1-6-10. State approval.
20-10.1-6-11. Advisory committee.
20-10.1-6-12. Reimbursement.
20-10.1-6-13. Claims for reimbursement.

20-10.1-6-1. Industrial or manual training and education — Establishment. — Each governing body may establish and conduct a system of industrial or manual training and education to teach the major uses of tools and mechanical implements, the elementary principles of mechanical construction, mechanical drawing and printing. If a system is established, the governing body shall employ competent instructors in the various subjects and shall establish rules and regulations on student admissions designed to produce the best results and to give instruction to the largest practicable number. Each governing body may provide this instruction in school buildings or in separate buildings. Each governing body may require students enrolling in this system to pay a reasonable tuition fee and may differentiate between students living in the attendance unit and those living outside the attendance unit in the amount of tuition charged; however, tuition charges by a school corporation operating under IC 1971, 20-3-11 are also regulated by section 28 [20-3-11-28] of that chapter. [IC 1971, 20-10.1-6-1, as added by Acts 1975, P. L. 240, § 1, p. 1289.]

Indiana Adm. Code. For pertinent administrative rules and regulations, see the Statutory Tables in the tables volume of the Indiana Administrative Code.

20-10.1-6-2. Vocational education — Establishment. — Each governing body may establish vocational schools or departments for industrial, agricultural or home economics education in the manner approved by the state board of vocational and technical education and may maintain them from the general fund. [IC 1971, 20-10.1-6-2, as added by Acts 1975, P. L. 240, § 1, p. 1289.]

20-10.1-6-2.5. Contract with not-for-profit corporation for establishment of building trades vocational program. — The governing body of a school corporation may contract with a not-for-profit corporation to establish and maintain a vocational program in the building trades solely for the purpose of teaching the principles of building construction to pupils enrolled in grades nine [9] through twelve [12]. A vocational program established under this section is limited to construction of buildings upon real

SECRETARY OF STATE
STATE OF INDIANA
INDIANAPOLIS
46204

EDWIN J. SIMCOX

October 29, 1984

The Honorable Orrin G. Hatch
U. S. Senator, Utah
Committee on the Judiciary
Washington, D.C. 20510

Dear Senator Hatch:

Thank you for the opportunity to address the issue of English as the official language of the State of Indiana. Since this designation became effective just a little more than a month ago, there is as yet nothing known about its advantages.

However, the designation of English as the official language of the state appears to have been well received in this state. Since Indiana does not have a large alien population at present, any controversial impact is probably more limited here than might be the case elsewhere.

As a personal observation, I believe the idea to be a sound one in that it will help encourage new Americans with residency status to learn the Enlish language and thereby improve the likelihood of successful integration into the mainstream of American life.

Again, I thank you for the opportunity to be heard on this matter.

Sincerely,

Edwin Simcox

Edwin J. Simcox
Secretary of State

EJS/kmm

LAURIE NAISMITH

COMMONWEALTH OF VIRGINIA
OFFICE OF THE GOVERNOR
SECRETARY OF THE COMMONWEALTH
RICHMOND 23219

October 26, 1984

The Honorable Orrin G. Hatch
Chairman, Subcommittee on the
Constitution
United States Senate
Washington, D. C. 20510

Dear Senator Hatch:

Thank you for your recent letter requesting information on Virginia's official language statute.

Section 22.1-212.1 of the Code of Virginia designates English as the official language of the Commonwealth. It is our understanding that this designation was adopted by the General Assembly as a policy statement for our various educational programs.

We are forwarding your letter to Dr. S. John Davis, Superintendent of Public Instruction and requesting that he provide you with any information which may assist you and the members of your subcommittee.

If we may be of further assistance to you in the future, please do not hesitate to contact this office.

Sincerely,

Laurie Naismith
Secretary of the
Commonwealth

LN/mf

cc: Dr. S. John Davis

COMMONWEALTH of VIRGINIA
Office of the Attorney General

Gerald L. Baliles
Attorney General

William G. Broaddus
Chief Deputy Attorney General

Donald C. J. Gehring
Deputy Attorney General
Criminal Law Enforcement Division

Maston T. Jacks
Deputy Attorney General
Human & Natural Resources Division

Elizabeth B. Lacy
Deputy Attorney General
Judicial Affairs Division

Walter A. McFarlane
Deputy Attorney General
Finance & Transportation Division

Karl E. Bren
Director of Administration

October 29, 1984

The Honorable Orrin G. Hatch
United States Senator
United States Senate, Committee on the Judiciary
Washington, D. C. 20510

Dear Senator Hatch:

This is in response to your inquiry concerning Virginia's statute declaring English the official language of the Commonwealth. The statutory provision is § 22.1-212.1 of the Code of Virginia, as amended. For your convenience, I have enclosed a copy of this section of the Code.

I have not had any personal experience with this particular statute. There have not been, to my knowledge, any cases in a court of record involving this law.

With kindest regards, I am

Sincerely,

Gerald L. Baliles
Attorney General

2:38/32

Enclosure

Supreme Court Building · 101 North Eighth Street · Richmond, Virginia 23219 · 804 · 786 · 2071

driver education revenues received during the school year shall be made as an undesignated component of the state share of the basic operation cost in accordance with the provisions of this item.

§ 22.1-209.1. Model programs in elementary developmental guidance and counseling. — With such funds as are appropriated for this purpose, the Board of Education shall establish a program to strengthen developmental guidance and counseling in the elementary schools which shall consist of grants for model projects awarded on a competitive basis to applicants responding to requests for proposals.

The Board shall appoint an advisory committee of experts in developmental guidance and counseling to assist in the development of the criteria for awarding these grants, the contents of the request for proposals, in evaluating and in ranking the applications and in making the awards. All school divisions shall be eligible to receive such grants upon making timely application. The first set of grants shall be awarded, if funds are available, by January 1, 1985. (1984, c. 197.)

§ 22.1-212.1. English as official language. — English shall be designated as the official language of the Commonwealth of Virginia. School boards shall have no obligation to teach the standard curriculum in a language other than English. (1981, c. 185.)

ARTICLE 2.

Special Education.

§ 22.1-213. Definitions. — As used in this article:

1. *"Handicapped children"* means those persons (i) who are aged two to twenty-one, inclusive, having reached the age of two by the date specified in § 22.1-254, (ii) who are mentally retarded, physically handicapped, seriously emotionally disturbed, speech impaired, hearing impaired, visually impaired, multiple handicapped, other health impaired including autistic or who have a specific learning disability or who are otherwise handicapped as defined by the Board of Education and (iii) who because of such impairments need special education.

2. *"Special education"* means classroom, home, hospital, institutional or other instruction, including physical education and vocational education, to meet the reasonable educational needs of handicapped children, transportation, and related services required or appropriate to assist handicapped children in taking advantage of, or responding to, educational programs and opportunities commensurate with their abilities. The Board of Education shall determine by regulation standards for determining which instruction and services must be provided pursuant to an individualized education program.

3. *"Specific learning disability"* means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, or of environmental, cultural or economic disadvantage. (Code 1950, § 22-10.3; 1974, c. 480; 1978, c. 386; 1980, c. 559; 1983, c. 538.)

1984 NOV 19 AM 10 43

COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

DAVID L. ARMSTRONG
ATTORNEY GENERAL

CAPITOL BUILDING
FRANKFORT 40601

November 9, 1984

The Honorable Orrin G. Hatch
The United States Senate
Washington, D. C. 20510

Dear Senator Hatch:

This office has no information in regard to your request about Kentucky's English-language statute. The Legislative Research Commission, the administrative arm of our General Assembly, also has no information. Because the statute became effective only this year, the LRC suggests that the passage of more time will be necessary before a more definite response can be made to your question. Any future inquiries may be directed to Office of the Director, Legislative Research Commission, Capitol Building, Frankfort, Kentucky 40601.

Yours truly,

David L. Armstrong
Attorney General

Gerald Henry
Assistant Attorney General

GH/mja

California Ballot Pamphlet

1984 General Election

November 6

Compiled by
March Fong Eu
Secretary of State

Analyses by
William G. Hamm
Legislative Analyst

Secretary of State
[illegible]

Dear Californians:

This is your California Ballot Pamphlet for the November 6, 1984, General Election. It contains the ballot title, a short summary, the Legislative Analyst's analysis, the pro and con arguments and rebuttals, and the complete text of each proposition. It also contains the legislative vote cast for and against any measure proposed by the Legislature.

Read carefully each of the measures and the information about them contained in this pamphlet. Legislative propositions and citizen-sponsored initiatives are designed specifically to give you, the electorate, the opportunity to influence the laws which regulate us all.

Take advantage of this opportunity and vote on November 6, 1984.

March Fong Eu
MARCH FONG EU
Secretary of State

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Please note that Proposition 25 is the first proposition for this election. To avoid confusion with past measures, the Legislature passed a law which requires propositions to be numbered consecutively starting with the next number after those used in the November 1982 General Election. This numbering scheme runs in twenty-year cycles.

38 Voting Materials in English Only. Initiative Statute

Official Title and Summary Prepared by the Attorney General

VOTING MATERIALS IN ENGLISH ONLY. INITIATIVE STATUTE. States declaration of public policy concerning use of common English language. Adds a new statute requiring the Governor to write to the President of the United States, the United States Attorney General, and all members of Congress, a communication urging that federal law be amended so that ballots, voters' pamphlets, and all other official voting materials shall be printed in English only. Summary of Legislative Analyst's estimate of net state and local government fiscal impact: The cost to the state of providing the written communication required by this measure would be insignificant.

Analysis by the Legislative Analyst

Background

The Constitution of the United States guarantees the right of citizens to vote. It also provides all persons equal protection under the law.

According to the California Secretary of State, the federal Voting Rights Act of 1965, as amended in 1982, requires 10 of California's 58 counties to provide members of certain language minority groups with information in their native language that will help them exercise their right to vote. This information is generally required to be provided in written form. Counties subject to the federal Voting Rights Act have at least one language minority group that does not speak or understand English adequately enough to participate in the electoral process and whose voting age population comprises more than 5 percent of the county's total number of citizens of voting age. Under the act, there are four specified language minority groups: American Indians, Asian-Americans, Alaskan natives, and persons who are of Spanish heritage.

California law requires those 48 counties *not* subject to the provisions of the federal Voting Rights Act to post in each voting precinct certain election materials in Spanish or in specified languages other than English, unless the Secretary of State determines that a particular precinct lacks a language minority population large enough to warrant the preparation and posting of such materials.

Proposal

This measure requires the Governor to deliver to the President of the United States, the Attorney General of the United States, and all Members of Congress a written communication which urges the enactment of an amendment to federal law so that ballots, voters' pamphlets, and all other official voting materials shall be printed in English only.

Fiscal Effect

The cost to the state of providing the written communication required by this measure would be insignificant.

Text of Proposed Law

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

This initiative measure proposes to add new provisions to the law. Therefore, the new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

ENGLISH BALLOT INITIATIVE

Section 1. Findings and Declarations.

We the People of the State of California do hereby find and declare that:

(a) The United States has been and will continue to be enriched by the cultural contributions of immigrants from many countries with many different traditions.

(b) A common language, English, unites our immigrant residents, fosters harmony among our people, promotes political stability, permits interchange of ideas at many levels and encourages societal integration.

(c) The United States Government should foster similarities that unite our people, the most important of which is the use of the English language.

(d) Multilingual ballots are divisive, costly and often delay or prevent our immigrant citizens from moving into the economic, political, educational and social mainstream of our country.

(e) Multilingual ballots are unnecessary since immigrants seeking citizenship must pass an examination for literacy and proficiency in English.

Section 2. Transmittal.

The Governor of the State of California, within thirty (30) days of enactment of this statute, shall sign and cause to be delivered to the President of the United States, the Attorney General of the United States and to all members of the United States Congress a written communication which incorporates the findings and declarations in Section 1 and includes the following language:

"The People of the State of California recognizing the importance of a common language in unifying our diverse nation hereby urge that Federal law be amended so that ballots, voters' pamphlets and all other official voting materials shall be printed in English only."

38 Voting Materials in English Only. Initiative Statute

Argument in Favor of Proposition 38

In 1975, with little discussion or input from the American people, Congress enacted legislation requiring foreign language ballots and voting materials. We urge Congress to rescind this requirement for the following reasons:

Foreign language ballots falsely imply that a full economic, social and political life can be achieved in the United States without competence in English.

Citizens who have limited or no knowledge of English do not have access to essential information for independent decision-making. They are easily led into block voting by opportunistic political leaders.

Foreign language ballots invite abuse. A check of San Francisco bilingual ballot users in 1981 disclosed that 20% were not United States citizens. Such abuse poses a danger to the intended functioning of a democratic system.

Foreign language ballots are unnecessary because virtually all applicants for United States citizenship must pass a test for literacy and proficiency in English.

Foreign language ballots create tensions and ill will among neighbors. Earlier immigrants, as a matter of course, learned English in their new country in order to participate fully in American life. They resent special treatment for other immigrants.

Foreign language ballots are costly. Last year, San Francisco spent $150,000 for ballots in three languages. In California, in 1982, the cost of foreign ballots exceeded $1,200,000. Further, in most counties, use of the foreign language ballot is minimal.

Foreign language ballots are discriminatory; only Hispanic, Asian American, American Indian and Alaskan native languages are targeted for special treatment in the law.

Ballots printed only in English do not prevent citizens from voting; interpreters may be taken along for voting assistance.

Foreign language ballots are a disservice to our Hispanic and Asian citizens and to our nation.

The case against foreign language ballots is overwhelming. California is the first state in the nation to express its views on voting in foreign languages. The time has come to speak out on this issue. The administration and the Congress must understand that the opposition to foreign language ballots is deeply felt and widely shared.

The United States, a country of immigrants from other lands with different languages and cultures, has had the enriching experience of living with and learning from other cultures. We learn from each other because we are unified by a common language, English. We must preserve that unity.

We hope our California citizens will vote to uphold the unique status of our common language. Vote *YES* on Proposition 38.

S. I. HAYAKAWA, Ph.D.
United States Senator 1977-1983

J. WILLIAM OROZCO
Businessman

STANLEY DIAMOND
Chairman, California Committee for Ballots in English

Rebuttal to Argument in Favor of Proposition 38

Close to half the voting-age population did not even vote in the last presidential election. In light of this sad state of affairs, now is no time to discourage *any* American from casting an intelligent vote. But Proposition 38 does just that.

Proposition 38 supporters attack evils that don't exist. Their grossly inflated bilingual ballot costs can't be substantiated. Actually, as the San Francisco Registrar of Voters recently reported, "the cost of adding foreign translations to the sample and official ballots is negligible."

Similarly, their allegation of noncitizen voters is completely distorted and unfounded. Their "study" checked a total of three individuals. The more thorough Santa Clara study, however, found only one noncitizen voter out of 100 surveyed.

Bilingual ballots have long been successful in America. Since 1912 in New Mexico and since 1975 in Texas, California and elsewhere, they've propelled minority citizens into a meaningful role in the electoral process.

The Voting Rights Act protects *all* citizens from voting discrimination, not just Hispanics and Asian Americans. Furthermore, laws in many states including California provide for Polish, Italian, Greek and other services in communities where they are necessary.

Voter pamphlets fairly provide both sides of a proposition straight from the registrar of voters. These materials free the voter from dependence upon an employer, neighbor, or relative for important election information.

Remember, Hispanics and Asians want to learn English to be fully integrated into the society. Don't prevent them from fulfilling their duties to vote as citizens.

Defeat Proposition 38.

ROBERT MATSUI
Member of Congress

ESTEBAN EDWARD TORRES
Member of Congress

DON EDWARDS
Member of Congress

Voting Materials in English Only. Initiative Statute

38

Argument Against Proposition 38

We urge you to vote no on Proposition 38.

This initiative is an attack on one of America's most basic pieces of civil rights legislation—the Voting Rights Act—which enables all Americans to EFFECTIVELY EXERCISE THEIR RIGHT TO VOTE—THE MOST FUNDAMENTAL RIGHT IN A DEMOCRACY.

Before the Voting Rights Act was passed, Americans in many parts of this nation, including California, were effectively prevented from voting. Californians must not lead the way to change the federal law that protects the precious right to vote for millions of citizens throughout the country.

Proposition 38 would force the Governor to petition the President and the Congress to eliminate Voting Rights Act protections in California. This effort opens the door for other repeal efforts aimed at Voting Rights Act guarantees for black citizens.

Passage of Proposition 38 will unfairly prevent thousands of Americans who have difficulty with the English language from exercising their right to vote. It will deprive them of their say in the many governmental decisions that affect their daily lives.

Federal laws require only a fifth grade level of English to become a naturalized citizen. Voting assistance is especially necessary in California, where so many state and local propositions are written in such complex language that they confuse even native-born, English-speaking college graduates.

Bilingual ballot information is useful to new American citizens, particularly the elderly, whose English is strong enough to pass citizenship tests but who feel the ballot choices facing them deserve careful study in the language they know best.

Hispanics and Asian Americans want very much to learn English. It is one of the keys to economic advancement and social integration. That is why there are thousands of Hispanics and Asians on waiting lists for English classes at the community colleges and night schools throughout California. Having a ballot in understandable terms on election day doesn't lessen the importance of English the other 365 days a year. In fact, bilingual ballots encourage assimilation by encouraging all citizens to participate in their government.

We must not deprive these citizens important election information so they can cast intelligent, responsible votes while they perfect their English. Eliminating the voters' pamphlet eliminates the only reliable source of unbiased election information.

Bilingual elections in California have proven to be cost effective. In Los Angeles they account for less than 2% of county election costs. In San Francisco they cost the average homeowner less than 3¢ annually. Santa Clara and San Diego Counties also document minimal costs.

California Republican and Democratic leaders such as President Reagan, President Ford, Representatives Burton, Berman, Dymally, Edwards, Goldwater, Senate President pro Tempore Roberti, Speaker Willie Brown, Mayors Bradley and Feinstein supported the bilingual election services when they were debated in Congress in 1975 and 1982. So did the League of Women Voters and AFL-CIO.

The Voting Rights Act makes California a state where all people can live and participate in government free from discrimination. Your no vote on Proposition 38 will keep it that way.

ROBERT MATSUI
Member of Congress

ESTEBAN EDWARD TORRES
Member of Congress

DON EDWARDS
Member of Congress

Rebuttal to Argument Against Proposition 38

Arguments against Proposition 38 seriously misrepresent the purpose of the English *ONLY* initiative. One opposition argument states that the initiative "is an attack on . . . the Voting Rights Act." This is inaccurate. Ballots in English *ONLY* is the goal of the initiative, the only goal.

An inference in the opposing argument is that black citizens' rights are threatened. This is nonsense. The language of black citizens is English.

The citizenship test for proficiency in English is dismissed as insignificant. Passing of the test was one of the proud experiences of other immigrants, the key to citizenship and participation in the life of their new country.

The opposition argument raises the issue of fairness. Most citizens rightly claim that multilingual ballots themselves are discriminatory and unfair, raising tensions and resentment.

The cost of multilingual ballots is over $1,200,000 annually, an unconscionable waste.

Recently the Census Bureau eliminated most California counties from the federal requirement for multilingual ballots because they were unnecessary. That has been the position of this committee for two years. Any local attempts to restore multilingual ballots must be resisted.

California citizens, including Asians and Hispanics, overwhelmingly approve of English Ballots *ONLY*. The San Francisco initiative vote had the support of 62% of the voters—and volunteers in the statewide initiative gathered 630,000 signatures, qualifying this initiative for the ballot.

California must lead the nation in restoring the English ballot *ONLY*.

Let our vote be strong and clear.

VOTE YES ON PROPOSITION 38—YES—YES—ON 38.

STANLEY DIAMOND
Chairman, California Committee for Ballots in English

Arguments printed on this page are the opinions of the authors and have not been checked for accuracy by any official agency

GEORGE DEUKMEJIAN
GOVERNOR

State of California
GOVERNOR'S OFFICE
SACRAMENTO 95814

TELEPHONE
(916) 445-2841

November 26, 1984

Dear Member of Congress:

On November 6, 1984, California voters approved a ballot measure which states:

"We the People of the State of California do hereby find and declare that:

"The United States has been and will continue to be enriched by the cultural contributions of immigrants from many countries with many different traditions.

"A common language, English, unites our immigrant residents, fosters harmony among our people, promotes political stability, permits interchange of ideas at many levels and encourages societal integration.

"The United States Government should foster similarities that unite our people, the most important of which is the use of the English language.

"Multilingual ballots are divisive, costly and often delay or prevent our immigrant citizens from moving into the economic, political, educational and social mainstream of our country.

"Multilingual ballots are unnecessary since immigrants seeking citizenship must pass an examination for literacy and proficiency in English."

The measure further directs me to send the following message to the President of the United States:

"The People of the State of California recognizing the importance of a common language in unifying our diverse nation hereby urge that Federal law be amended so that ballots, voters' pamphlets and all other official voting materials shall be printed in English only."

Most cordially,

George Deukmejian

George Deukmejian

BILINGUAL EDUCATION IN THE PRIVATE SECTOR

by
Denis P. Doyle
Director, Education Policy Studies
American Enterprise Institute
Washington, D.C.

November 1983

The work upon which this publication is based was performed pursuant to a contract entered into between E.H. White and the author, under the terms of an NIE contract with E.H. White. Nothing in this paper should be construed as representing the position of anyone other than the author.

> Deciding whether the goal of federal education programs should be to teach children their native language and culture or to encourage assimilation is a political and value judgment, not a research question.[1]

The purpose of this essay is to examine the policy implications of bilingual education in the private sector. What does it mean to the public sector that private sector bilingual education exists at all? And what aspects of private sector bilingual education are important to public sector policy makers?

Drawing on the research commissioned as a part of the Significant Instructional Features studies of the National Institute of Education, the essay was originally designed to address a set of research questions that appeared to be important as the study got under way. In interviews with members of Congress, Congressional staff, association executives with an interest in bilingual education, and other interested parties, it became clear that a number of issues were of importance to the Washington policy community. By way of illustration, examine the list of questions originally posed for the private school portion of the SIF study:

- o Why have bilingual programs developed in the private sector?
- o Are there significant differences in instructional features between programs in private and public schools?

- Are private schools able to mount programs that are more cost-effective than those in public schools?
- Is the quality of bilingual education in the private school a factor in parental choice of private school?
- Do some LEP children learn more effectively in the private school? If so, why?

These questions, and questions like them, are important, but they are technical and instrumental. They assume that bilingual education is a desirable public policy objective. Insofar as they point to the larger question of what public schools have to learn from private schools, they bring that fundamental premise into question. They do so because of the findings developed by George Elford of the Educational Testing Service of Princeton, New Jersey. Elford's work, under contract to NIE, was to form the point of departure for this essay. As it turns out, the answers to the SIP questions are negative.

Bilingual programs have not developed in the private sector in any consequential way.

- On balance, there are no significant differences in instructional features between public and private schools.
- Private-public cost-effectiveness turns out not to be an issue.
- The "quality" of bilingual education in the private sector is not a particularly strong reason for selecting a private sector bilingual school.

In sum, the private sector offers little of interest to the public sector when the questions are phrased in instrumental terms. But what happens if the questions are normative? That, after all, is the essence of policy analysis. It is up to the bureaucracy to deal with instrumental questions, policy makers with policy questions.

The reason for confusing instrumental and normative questions is not so obvious as it might at first appear. Today, bilingual education has become an important policy issue because of the marked increase in the number of Spanish speakers throughout the country. According to one scholar, Iris Rotberg, there are approximately "3.6 million school-age children in the United States with limited ability in English. About 73 percent of these children are Hispanic. There are other large concentrations of non-English-speaking children, most notably Asians and American Indians."[2]

The number of children involved only begins to given an idea of how important the issue of bilingual education is—the human dimension is powerfully revealed in a brilliant essay by Steven Schlossman.[3]

To most of us in the 1980s, bilingual education seems a self-obvious remedy to the problem confronted by the child raised in a home in which English, if it is spoken at all, is a second language. But Schlossman raises the right question: "Given the euphoria that suffused the bilingual education movement, it seems reasonable to ask why earlier generations of educators ignored, failed to recognize, or disapproved of the purportedly pedagogical miracle-worker. Why did a seemingly self-evident remedy take so long to discover?"[4]

It took so long to "discover" because there is a long tradition of indifference and hostility toward bilingual education in this country. According to Schlossman, some observers advance the view that in America there is a sort of "babelophobia."[5] Another argument advanced by observers is that only recently have we discovered the special "difficulties faced by Hispanic children in public schools." But as Schlossman points out, George I. Sanchez (1906-1972) "spent most of his career puzzling over the effects of 'language handicap' on Hispanic children on school policies in the Southwest."[6]

The most pervasive reason for a failure to adopt Spanish bilingual education strategies, however, was well established patterns of invidious discrimination against Americans of Mexican descent. Forcing large numbers, even majority Hispanic school districts, into English immersion programs, with no sensitivity to their special language needs, condemned many of them to failure.

But at the same time that Hispanic children were being systematically denied access to bilingual Spanish-English programs, in the late nineteenth and early twentieth century there was a well-developed system of German-English schools.[7] Found principally in population centers with large concentrations of Americans of German descent, the schools were in the public sector. Some, in fact, were schools in which the first language of instruction was German, the second English. The wave of patriotism and jingoism that swept the country during the First World War spelled the end of German-English schools, an example of a bilingual issue being settled as a case of "civil rights" in reverse.

We are left, then, with an enigma. The public at large has historically been indifferent to or hostile to bilingual education. Its importance as a pedagogical device is not new knowledge; its importance as a source of community and cultural identify has long been known. The capacity of a reasonably well organized and skillful community—German-Americans, for example—to launch, support, and maintain bilingual programs is well known. Why, then, is bilingual education so weakly developed in the American public school? As Schlossman observes, "the heyday of the modern bilingual education movement in America appears to be over."[8]

But the enthusiasm that fueled bilingual education programs was not pedagogical. If it were, instrumental questions would be appropriate. A growing language minority population does not in itself provide sufficient explanatory power for interest in bilingual education. To the contrary, an increasing number of non-English speakers could have precisely the opposite effect—an increased desire on the part of policy makers to make English acquisition the centerpiece of education policy. Indeed, for most immigrants, that is precisely what happened historically.

The more compelling and interesting reason for the emergence of interest in bilingual education is the emergence of politically interested and politically active voters or constituents who themselves are convinced that language maintenance is important.[9] To politically active organizers, what more important force for social and cultural cohesion than language?

And in America an equally compelling reason for political action is the interest of political figures in creating a constituency, the political analogue of supply side economics. It is no secret that President Johnson was a master at this, and it is no accident that Title VII emerged from his passionate commitment to education as the way to solve the nation's social and economic ills. As Title I was designed to help the rural and urban poor, and became identified with that constituency, so Johnson felt it necessary to do something "special" for Hispanics. And Title VII was born.

This is not meant to suggest that the significance of Title VII is in any way diminished because its origins were political rather than pedagogical; it is simply important to establish the context for policy analysis, because in discussion of most education interventions one logically expects pedagogy to play some important role. That it figures so little in discussion of bilingual education is a commentary on the political and value-laden aspects of the subject. It is important to stress that the fact that an analysis of bilingual education that treats it as political and normative is not pejorative; but to understand bilingual education, one must understand its roots and rationale.

To educators, the potential pedagogical importance of bilingual education is enormous. Most children who grow up in homes where a language other than English is spoken continue to have difficulty in school. Iris Rotberg reports that nearly one-third of students from Spanish-speaking homes are "two years behind their age group by the end of high school, and about 45 percent of the Spanish-speaking population between 14 and 25 years of age has not completed high school."[10] Thus, a program intervention strategy which significantly affected the performance of Hispanic youngsters could be a powerful federal tool to combat poverty and increase that community's standard of living.

Although the federal government's initial involvement in bilingual education was a product of the social programs of the 60s, additional decisive impetus was given by the Lau decision in 1974.[11] The Lau decision was based on Title VI of the Civil Rights Act of 1964, the operative portion of which reads: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."[12]

The effect of this ruling was to seal, as it were, the civil rights dimension of bilingual education; children whose first language was one other than English gained a right in law to instruction in their native tongue.

Before the Lau decision, the U.S. Office of Civil Rights (OCR) in 1970 had interpreted the language of Title VI of the 1964 Civil Rights Act in the same way. Indeed, Lau upheld the OCR position, and in the specific instance of the Chinese-American plaintiff Mr. Lau, directed the San Francisco Unified School District to "rectify the language deficiency." The court at least had the wit not to mandate a method of instruction. It asserted that "teaching English to the students of Chinese ancestry who do not speak the language is one choice. Giving instruction to this group in Chinese is another. There may be others."[13]

Policy makers who approach bilingual education exclusively as a tool of instruction will misconceive its true purpose and its real significance. The issue attracts supporters and opponents precisely because it is first political; only second is it pedagogical.

* * * * *

A complete political history of bilingual education is beyond the scope of this essay. Rather, the charge is to examine the private sector to see what can be learned that will help inform the policy debate about bilingual education. As it happens, we can learn a good deal; to do so, a brief examination of the roots of public education is useful.

Public schools did not spring full-born from the head of Zeus, but grew organically out of a conviction that an educated citizenry was essential to democratic virtue. Private schools had been widely dispersed through the Colonies, but served a narrow clientele. It was not until the early nineteenth century that public schools became an important force in American life. The most important emerged from DeWitt Clinton's Free School Society, a philanthropic group devoted to the education of the public. But the vehicle for the education of the public was private schools—their role would be expanded as benefactors could be found to permit the poor to enroll. So ambitious a plan could only go in one direction if it were to succeed. Public funds must be found; they were, and the Free School Society became the Public School Society.

It hardly needs pointing out that the Public School Society became the province of the state, with all the power and limitations that suggests. Now, the reason for state intervention in almost any area, in the 19th as well as the 20th century, is the prospect--real or imagined--of market failure. In this case, public schools had become known as "schools for paupers" precisely because it was the private sector that provided education for fee-paying students. The well-to-do went to private schools, with only a smattering of scholarship aid. The private sector did not have the resources to serve more than a limited number of poor children on its own. Not even the most vigorous philanthropy could do the job.

The purpose of this brief historical foray is to make an important point about American education. In almost all areas, from school organization, to pedagogy, to curriculum, to overarching philosophy, public action is preceded by private example. The reason is not hard to fathom: galvanizing ideas usually emerge from the work of individuals or small private organizations. Indeed, one of the conceits of the late 20th century is that new ideas might acutally emerge from government and be implemented by government. Not so long ago, government was at most a private sector arbiter. It is particularly the case that radical or novel ideas take time to be born and flourish, and ideas that are controversial are particularly slow to enter the public sector. Thus, public high schools were not a fixture in American life until late in the 19th century. Indeed, many taxpayers were convinced that public high schools represented an inappropriate use of public funds. (In Israel, for example, this view prevailed until only the last few years. Free public high schools have only recently been introduced in that country.)

The list is, of course, almost endless--child-centered curricula, the open classroom, woodshop, advanced placement examinations--all had their roots in the private sector. Indeed, one is hard-pressed to find examples in the public sector that did not. (The most striking example is school consolidation, a purely public sector aberration that, luckily for private schools, has no counterpart in that sector.)

In light of this, one would expect there to be some interesting examples in the private sector of bilingual programs—the very programs that would have paved the way for public sector programs. In particular, this could be expected because of the high intensity that characterizes interest in bilingual education—it is politically and culturally charged.

One of the signs of the political charge it carries is the difficulty one encounters in trying to identify a satisfactory definition of bilingual education. It is an elusive term precisely because it is freighted with social, cultural, and political baggage; it means different things to different people. When it is double-joined to the even more ephemeral concept of bicultural education, it becomes more elusive yet. The problem is not simply one of definition—though that problem exists—but one of purpose. And the definitional problem reveals the uncertain purpose of government support for bilingual education.

Even so thorough a scholar as Iris Rotberg moves straight to her argument, not bothering to define bilingual education. She, as do most people, assumes that there is some common meaning. But her discussion of "appropriate strategies" reveals how vast are the differences within the rubric "bilingual education."

> Some...argue that programs should focus on English language instruction so that children might compete more effectively...in an English speaking society. Others believe that English instruction is academically ineffective and discourage the preservation of native language and culture. Still others believe that existing bilingual-bicultural programs..are so poorly designed...that they have little impact on language maintenance or cultural identity...federal policy, therefore, reflects a compromise between a strong social assimilation policy and one that encourages[14] the maintenance of children's native language and culture.

In most government programs, definitions are reasonably direct and accessible to informed judgment. Program purposes and standards of eligibility are reasonably straightforward in Medicaid and

Medicare, food stamps, disability insurance, social security, AFDC, and unemployment compensation.

When definitions of public terms are weak or ambiguous there is a reason. There is wisdom in old bromides: ignorance is bliss, because it permits avoidance of tough questions. The government's inability to tightly define or sharply focus bilingual education programs speaks volumes. In a state of deliberate ambiguity, a program can be all things to all men. But by so doing, the architects of federal bilingual programs have exposed themselves to substantial risk: a weakly defined program cannot be measured or evaluated; indeed, it cannot be grasped. So long as no one cares to measure or evaluate, the problem is moot. But when interest in program performance emerges, the program itself may be in jeopardy.

It is precisely for this reason that the program is today under siege: subject to various interpretations, one observer sees bilingual education as a pedagogical tool to break the vicious cycle of poverty; another sees it as a way to shove home Spanish-English linguistic parity—the specter of Quebec.

The historical reasons for deliberate ambiguity are clear enough. Indeed, it is an approach to problem-solving at which the Congress and recent Presidents are absolutely expert. Title VII of ESEA, the original bilingual education act, was without pedagogical content. Consonant with the times, it was a civil rights act, using the administrative and organizational apparatus of the public schools as its point of departure. That it was well-intentioned is beyond dispute. That it was a Pandora's Box is also beyond dispute.

The emergence of contemporary interest in bilingualism is curious, because the imperative of American history and tradition has been an inexorable movement from multilingualism to monolingualism. *E Pluribus Unum*. The Tower of Babel in reverse. Little more than a century ago, California was officially a bilingual state. Indeed, the state's first governor under the Union, Romulado Pacheco, was himself bilingual. But a wave of "Anglo" chauvinism and nativism swept the nation in the late 19th century; today only one bilingual state of fifty remains, and that in attenuated form.

The civil rights emphasis of current bilingual programs is important because of the alternative that was ignored: bilingualism as a purely pedagogical program. It could have been pedagogy driven by defense needs, intellectual curiosity, or commercial interests, but it was not. In China, for example, more students are studying English than there are citizens of the United States; but that phenomenon has nothing whatsoever to do with civil rights; nor does English instruction in Denmark or Holland or Russia. In all the great commercial nations, second-language mastery was an economic necessity; in those countries with powerful neighbors, second- , and even third-language mastery becomes a political imperative.

In those areas where second-language instruction is a civil right, a wholely different dynamic is revealed. The use of Flemish in Belgium, French in Canada, Basque, Catalan, and Valenciano in Spain, and quadrilingualism in Switzerland throws the problem into high relief. Bilingualism as a civil right is a profound statement of ethnic identity. While the momentum of bilingualism does not necessarily lead to separatism or bomb throwing, it does reflect powerful and lasting attachments to linguistic and cultural tradition. In Israel it has become a means of nation-building.

In America, however, monolingualism has been a central instrument of nation-building. A vast continental democracy, one of the world's great common markets, America found (and finds) its political and commercial life, its public and private life, vastly simplified by virtual universal mastery of a shared language. Indeed, from a commercial and intellectual standpoint, monolingualism can be too successful, and that is precisely why attempts to pursue pedagogically-driven language programs have foundered. The tongue-tied American, as Congressman Paul Simon describes him, is unable to meet and compete in world markets. "You can buy in any language, sell only in your own," Simon observes.[15] "There are ten thousand Japanese businessmen in New York," Simon asserts, "each of whom speaks English. There are a thousand American businessmen in Tokyo, each with a translator."

American failure to treat second language acquisition seriously produces problems that reappear in many guises: at the time of the Russian invasion of Afghanistan, the American Embassy in Kabul had neither Farsi nor Russian speakers in residence. In an American context, the absence of Russian speakers, and more particularly of Farsi speakers, was a failure of academic education. Advocates of Russian or Farsi instruction would not press their case on civil rights grounds.[16]

That the U.S. government's entry into the field of bilingual education was stimulated by civil rights issues is rendered all the more ironic by the long and powerful assimilationist tradition in America. It was common—indeed, the rule—for immigrants to embrace English with a passion, to the exclusion of their native tongue. And the embrace was the more passionate for its symbolic as well as commercial and political significance: it remade the immigrant—as Abram became Abraham—into an American.

Emerging from a civil rights rather than a pedagogical mode, the bilingual education efforts of the 60s and 70s were a product of narrow elites—civil rights activists and their political patrons—rather than academicians or educators. To their surprise, language and cultural maintenance programs seem to have little appeal to the masses. That, indeed, is a part of the mini-lesson of private schools and bilingualism: interest in second language acquisition appears to be class-linked. The upper classes like it, the lower classes don't.

In light of this checkered tradition and ambiguity, even ambivalence, about goals and purposes, it is no surprise that public bilingual education has been nothing short of chaotic. Like the old joke about economists—if they were all laid out individually, each would point in a different direction—public bilingual education points in as many directions as there are languages and bilingual educators.

In terms of American history, one might have expected significantly different events. Education in America has been an inherently conservative enterprise, reflecting the dominant values of the middle class. Indeed, critics--particularly neo-Marxists like Bowles and Gintis--are quick to argue that the principal function of public schooling is to replicate social class and the values of the bourgeoisie. The emergence of a non-pedagogically based program of language instruction could hardly have been foreseen; it is a tribute to Lyndon Johnson's considerable political skills that bilingual education was incorporated into ESEA as a civil rights measure. What was not recognized at the time was that a nearly infinite number of bilingual programs is a logical outcome of the original idea's goals and purpose.[17]

A problem emerges because there is no rational basis for limiting bilingual education to Spanish or any other language. If bilingual education is a civil right rather than an instructional program, then everyone' language and culture is equally valid: it makes as much sense to teach sixty languages as it does to teach two. Moreover, it makes as much sense to teach Pocho, the patois of the barrio, as it does to teach the Spanish of the academy.[18] It is interesting to note that as a thousand American flower bloomed Charles de Gaulle instructed the French government to purify the language and purge it of "franglais." Although "le weekend" and "le cocktail" survive, for a number of years French diplomats and civil servants were directed to speak only French.

The idea that instruction must be offered in every language a child might bring to school is not abstract. Chicago, for example, "must provide instruction not only in Spanish but in seventeen languages, including Assyrian, Gujarti, Indic, and Serbo-Croatian."[19]

Even for languages like Spanish the difficulty of finding qualified teachers is sometimes staggering. According to Rotberg, in a study conducted in New Mexico, a random sample of bilingual teachers and aides was identified: of the 136 tested, only 13 could read and write Spanish at the third grade level.[20]

Historically, of course, throughout the world the de Gaulle model has been dominant; second languages existed at the sufferance of the sovereign. In fact, they were usually preserved by private initiative, at time in secrecy. The Catalans and Basques under Franco were not permitted to use their ancestral language in public; it was only the difficulty of enforcement that prevented the regime from banning the languages in private. Only at Monserrat, the Catalan region's shrine of the Black Madonna, was Catalan spoken in public, for the Catalan priests refused to bow to Franco.

America offers the cultural equivalent of a monolingual administrative edict. For many immigrants to American English mastery was an imperative. Together, public and private pressures to Americanize produced an irresistible impulse to master English as the common tongue. Indeed, it may be precisely because monolingualism was in some large measure the product of the individual conscience that it sank such deep roots in America. And the current ran deep. In NIE's authorization hearings in 1973, a proposed bilingual research program was bitterly denounced by members of Congress. One first-generation Italian-American spoke for many when he announced that his parents learned English without bilingual education. The old way was good enough for them and millions of other Americans; why then, did today's students need bilingual education? Why indeed?

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Because the purpose of this essay is to explore the public policy issues that emerge from an examination of private bilingual education, a brief comparison with public education is necessary. Ninety percent of the children in America are educated in public elementary and secondary schools. Although not centrally controlled, public schools, for a complex set of reasons, look very much alike. Indeed, given the diversity and formal autonomy of the nation's 15,000-plus school districts, it is surprising to discover that they are more alike than dissimilar. For reasons that go beyond the purview of this essay, the culture of American public education overwhelms the potential for diversity.[21] Educational diversity, insofar as it is to be found, exists in the private sector. Ranging from impromptu storefront academies to A.S. Neil Summerhill free schools, from military academies to Quaker boarding schools, the private sector provides a living laboratory of curricular, pedagogical, and normative variety.

In light of the homogeneity of the public sector, both economic and political theory would predict that the private market would satisfy consumers with diverse tastes in education. In theory, providers with special, unique, or unconventional programs should offer their services in the private sector, and consumers who find the public sector unattractive should turn to the private for satisfaction. Indeed, this is particularly true in an areas with a strong intensity function: i.e., individuals with strongly held views are more likely to seek out services in the private sector that satisfy their preferences.

In certain parts of the private school world this is abundantly clear: families with strong preferences for schools with sharply pronounced curricular differences are frequently found in private schools. The Hebrew day school, the Christian academy, the Quaker school, and the fast-paced academic school are all examples. The Christian academy is particularly interesting because it is a low-cost substitute for the public school, organized, run, and largely patronized by working class families.

In light of this history, one would expect private schools to be a particularly fertile field for examination and analysis. After all, the bilingual-bicultural advocates are right when they assert that language and culture are intimately, even inextricably, bound together. And private education is itself intimately tied to the community it serves. (Contrary to conventional wisdom, the vast majority of private schools are not bastions of elite privilege. Of the 20,000 private schools in the nation, fewer than 1000 are members of the National Association of Independent Schools, the elite, college preparatory day and boarding schools.)[22]

At the same time, private schools have traditionally stressed high standards of academic achievement, including an emphasis—at the secondary level—on foreign language instruction. Thus, one could expect, in theory, to find three bilingual streams emerging in private education. The first and most important would be language maintenance programs precisely of the kind ardently desired by some advocates of public bilingual-bicultural education. And it is not surprising that such programs do exist: Hebrew day schools, Japanese language schools, Spanish-speaking Cubano schools are to be found. What is surprising is that they are so weakly developed. The private sector is precisely where such activity would be expected; just as is language maintenance for non-students. In the private sector, newspapers and magazines, commercial establishments, advertising, packaging and promotion, ethnic friendship associations abound. The emergence, for example, of the Spanish language media has been nothing short of phenomenal. Spanish language television, for example, is referred to in the trade as the fifth network (ABC, CBS, NBC, and PBS being the first four).

Second, we would expect to find bilingualism in its purely pedagogical dimension in private schools. And it does exist: the international schools, which use the international baccalaureate, are the best examples. But their numbers are few as well. Second-language instruction is available in all college preparatory private schools, but in format and purpose it is nearly identical to its public school analogue. The differences are few and ideosyncratic. For example, Latin has remained an important language in Catholic high schools for obvious reasons. The appearance of difficult languages such as Russian, Chinese, Japanese, and classical Greek can also be explained largely by circumstance; the remnants of earlier classical education survive in only a few Catholic order schools which, in addition to Latin and Greek instruction, include rhetoric in the curriculum.

And Russian or Chinese or Japanese instruction is almost always opportunistic: an ambitious principal or school board member knows of a qualified Russian or Chinese or Japanese teacher; ambitious students seize the moment.

Third, one would expect to find bilingual education as an instructional tool to move children as rapidly as possible into English mastery. Insofar as such schools exist, they are primarily proprietary schools for adult immigrants.

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In addition to the questions of language maintenance and pedagogy there is a related question of some interest: the "regulation" of language instruction. This is both a policy and a technical question. At the policy level, every state in the nation mandates English as the primary language of instruction. In many public school jurisdictions, a second language can be no more than that. In most jurisdictions private schools as well are required by law to use English as their primary means of instruction. Nevertheless, the flexibility enjoyed by private schools is significantly greater than that of public schools, and the possibility of very heavy second-language instruction remains real.

At a no less important but more technical level are policies which affect the capacity of a school to recruit and retain teachers, to adopt and utilize texts and curricular materials, and design the instructional program. As well, the greater organizational freedom enjoyed by private schools should translate into significantly different instructional arrangements. It is a truism that the most important variable in the school is the teacher, and private schools have substantial flexibility in recruiting, hiring, and retaining teachers. One would expect imaginative and creative faculty utilization in private schools.

Indeed, in each of these areas anecdotes abound. Many private schools escape state licensing and certification requirements and take full advantage of the freedom offered. They hire fluent native speakers who would not be eligible to work in public schools. Similarly, private schools are more willing and able to use itinerant or part-time teachers to meet special curricular objectives. But systematic evidence about such practices is not available, nor is any evidence about the outcome of such practices.

To researchers, lack of evidence is an indictment; but to the policy analyst, lack of evidence may reveal as much as it hides. Why is there no evidence? There is no demand for it. No one in the private school world needs to "know" the answers to these questions--at least as researchers ask them. This is true for the most suspicious of reasons. Like politics, the essence of sound education management is the exercise of informed judgment in conditions of uncertainty. The responsible headmaster makes judgments on the basis of the information necessary to reach a reasoned decision. Unlike the researcher, the headmaster does not seek out the ultimate set of facts that permit progressively higher degrees of confidence. The headmaster simply needs the degree of confidence commensurate with the task at hand. He takes Aristotle to heart when he asserts that it is "the mark of the educated man to seek that degree of precision to which the subject admits."

The effect of the headmaster's confidence in making judgments is to leave researchers dissatisfied but the school community content.

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One of the major indicators of language "viability" is the extent to which it appears "naturally;" that is, when it is used as the language of choice by the speaker and the community of which the speaker is a part, without outside interference. Thus, the public school in America, by virtue of stressing English as the principal if not exclusive means of instruction, has the effect of so diminishing second languages that one must look to the private sector to examine them. Indeed, in most jurisdictions this is the case in public life—the courts, the bureaucracy—the administrative apparatus of the state has been systematically monolingual. English has been so much the language of public discourse that one must turn to the private sector to find other languages.

Joshua Fishman of Yeshiva University in New York is one of the few researchers in the country who has thought to look at the question of non-English language resources outside of the public sector. Anyone who cares to think about the issue knows in an unsystematic way about the existence of non-English language resources—a trip through almost any American city reveals stores and merchants doing business in a babble of tongues. A scan of any metropolitan phone directory reveals fraternal and benevolent associations representing non-English speaking constituencies, as well as churches that provide non-English language resources. Turning the radio or TV dial in many parts of the country brings in non-English programming.

The scale of non-English language resources is revealed in one of Fishman's tables.[23] Nationally, Fishman identifies 69 distinctive language, beginning with Albanian, moving to Armenian, to Chamorro, to Hindi, to Pali, to Sanskrit, and concluding with Yugoslav. He also identifies four major categories of non-English language resources—broadcasting, local religious units, press, and schools.

A sampling of the numbers appears below:

INSTITUTIONAL LANGUAGE RESOURCES OF USA
LANGUAGE COMMUNITIES: 1980

Language	Broad-casting	Local Religious Unit	Press	Schools
Albanian	4	18	10	1
Chamorro	3	0	2	13
French	133	161	16	103
German	190	141	51	807
Polish	235	448	41	105

The range and depth of non-English resources is quite remarkable, and they are bolstered and supported by tightly-knit, healthy organizations: churches, synagogues, fraternal and benevolent assocations, and the like.

There remains, then, an important question: is bilingual education only weakly developed in the private sector because of some market imperfections? Might there be bilingual demand waiting patiently to be satisfied by an unresponsive private sector? Or conversely, might there be a failure of "supply side" education? If more bilingual education were supplied, the theory might suggest, more bilingual education would be demanded.

The more realistic answer is a response to the contrary: the market is working. Few people buy bilingual education for the same reason few buy whale oil—few people want it enough to pay for it.

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As I have suggested, the reason for studying bilingual education in private schools is to help enlarge the public policy context of bilingual education in the public sector. In America it is a specially intriguing assignment, because alone among the industrialized democracies, there is no public support for private schools.[24] Private schools here are genuinely private, and they offer a unique opportunity to observe an education market at work. Bilingual education in the private sector is so weak and attenuated that one conclusion emerges: it is a marginal activity of little social importance.[25]

The education market, of course, is limited by the fact that private schools compete with public schools which offer a very similar service for free (more properly, a similar service which the consumer has already paid for, through taxes, and continues to pay for through taxes). In an environment in which a free good or service competes with one for which a fee is charged, market failures may appear: certainly market distortions do.[26]

But even in a distorted market, attenuated patterns emerge which are largely a function of the degree of intensity which motivate clients, real and prospective. The situation obtains between public and private schools. Patrons with a strong preference for bilingual education might prefer to satisfy it in the public sector for free. But absent that alternative, they will turn to the fee-charging private sector. In the language of economics, their demand might be highly inelastic: they will pay what they must to satisfy it.

The question before the analyst then, is, what is the demand elasticity of bilingual education in the private market, and what are the resources of potential consumers of bilingual education? If, for example, there is a high correlation between low income and preference for bilingual education, and bilingual education is relatively costly, only in the case of very high demand intensity would poor people be willing and able to sacrifice to attend private bilingual schools. That is to say, (as James Coleman describes it), by not providing public funds for private education, how high is the "tariff barrier" for attendance at private schools?[27] Is access denied to all but the more affluent or more inventive (i.e., those with the wit and energy to find subsidies such as church schools or scholarships)?

As it happens, there is very little evidence on income and private school enrollment. The conventional wisdom has it that income and enrollment are linear: as one goes up, so does the other. But fragmentary evidence from James Coleman suggests that the relationship is not so simple as one might expect. Coleman finds only a modest correlation between income and private schools enrollment.

And the narrow question of financial ability to pay for private schooling in the inner city has been the subject of one extraordinarily interesting examination. The work of Virgil Blum of the Catholic League explores that question with some care.[28] In a study of 54 inner-city private schools, each with at least 70 percent minority enrollment, Blum was able to gather definitive income statistics (as well as other important school, teacher, student, and home data). The following table displays Blum's data on income:

Income Levels	Private Schools Families	All Families
Under $5,000	15%	9%
$5,000-$9,999	35%	18%
$10,000-$14,999	22%	19%
$15,000-$19,999	14%	18%
$20,000 or more	14%	36%

Clearly, family income--or lack thereof--is not an insurmountable barrier to participation in private education.

Thus, while it is theoretically possible that bilingual education is preferred by the poor but they simply cannot afford it, no evidence supports such an assumption. An alternative hypothesis about market failure would be inadequate information: those who prefer bilingual education don't know it exists or don't realize they could participate in inducing someone to supply it.

While there is no direct evidence to support or refute either proposition, neither is there reason to think that gross market distortions or failures exist. It is generally true that private school attendance and income correlate positively, but race and ethnicity do not.[29] And the correlation between income and private school attendance is not nearly so high as one might expect in the abstract. The reason is not hard to find: many private schools are heavily subsidized. Diocesean elementary schools, for example, are subsidized through the collection plate; many offer scholarships, and many parents are willing to make very significant financial sacrifices to enroll their children in them. The last is the most important because it reveals highly inelastic demand for what the school offers.

While there is no scientific way to measure the "intensity" with which individuals and communities are committed to language maintenance, Fishman's data provides a proxy for the magnitude of such interest among a wide variety of communities. He lists 59 languages, by the 50 states and territories, indicating the range and number of language offerings by school and area. Not surprisingly, the largest number of second-language schools are found in New York State, with 1,026 of the total 5,414 listed by Fishman. Very surprising, however, is the small number of Spanish-language schools—423 of the total, of which 137 are in Puerto Rico.[30]

The capacity of tightly-knit communities, with strongly held and shared values, to create and maintain their own schools is well known, at least in free countries. A powerful example is the Old Order Amish, described in some detail by Fishman. He describes the Fairview School, near Lancaster, Pennsylvania, as "typical of the 600 or so Old Order Amish and Mennonite schools that are now functioning." The school meets in a former one-room public school, bought by the Amish when the public authorities closed it in anticipation of moving the students enrolled into a large, new, comprehensive school, accessible only by school bus. So long as it had been a small community school in which the Amish were not overwhelmed by "modernity" they had stayed in the public system. But the prospect of busing to a modern school was simply too much.

Today, 25 Amish students study together—one of their major language tasks is to master "Luther German" to permit them to read sacred material. (The school teaches Luther German, but does not in any way offer textual analysis or interpretation. The church does that on Sunday.) The language other than English, then, is for very special purposes: "The children do not, of course, speak 'Luther

German,' nor do their parents. They speak Pennsylvania Dutch to each other and to other Amish, they speak English to outsiders, and encounter 'Luther German' only in their hallowed texts..."[31]

The story of the Amish is repeated with the Mennonites, the Hassidic Jews, and the Hutterites. It demonstrates, if such demonstration is necessary, that in the United States the private sector is well suited to meet the needs of linguistic minorities who for whatever set of reasons are willing to maintain their linguistic traditions.

The private sector, then, meets the needs of communities with a high intensity function—those citizens whose demand for a language other than English is highly inelastic. What this suggests is that the private sector is very good at meeting the needs of the specialty market; it also suggests that the market for the study of language other than English is narrow and moderately deep. It has little breadth, particularly among the speakers of the second most important language in the nation, Spanish. Fishman estimated that in 1975, of the total U.S. population, slightly more than ten million were Spanish "home speakers." He goes on to observe that "obviously the largest non-English language group in the U.S.A., Spanish is seriously under-served insofar as community mother tongue schools of its own are concerned (all the more so if non-public schools in Puerto Rico are set aside.)"[32]

As I have tried to suggest, the private sector response to language interests gives us a window into the world of language demand that the public sector does not provide. That is, public sector bilingual programs are a sort of "supply side bilingualism" The private sector gives us a clearer picture of the nature and strength of demand for non-English language instruction.

Fishman offers three variables to explain the low level of Hispanic language maintenance schools in the private sector: "To some extent this is due to the depressed economic status of most speakers of Spanish on the mainland. To some extent it is due to the minor literary association that most of them currently have with their language. To some extent it is due to the overdependence that Hispanics have developed on public funds, on public affirmative action, and on public legal guarantees..."[33]

As I have tried to demonstrate, the issue of poverty alone does not explain the low level of interest in language acquisition in private schools—Blum's work makes a convincing case that poverty alone is not an insurmountable barrier to attendance at private school. Of equal importance is the fact that Hispanics are overwhelmingly members of the Roman Catholic Church, providing access to enormous organizational and physical resources. Indeed, in terms of starting and maintaining a school, organizational skills and resources are more important than financial ones. In this connection it is worth remembering that the largest provider of private education in the nation is the Roman Catholic Church; with more than three million children and more than 9,400 schools in 1983, the Roman Catholic Church provides two-thirds of the seats in the total private school market.

A number of observers have noted that over the past decade and one-half, Catholic school enrollments have been falling. What most observers fail to note, however, is that as Catholic enrollment overall has fallen, the number of Hispanic students in Catholic schools has increased markedly. The last good data set covers the period 1970-71 to 1980-81 and reveals an increase in Hispanic enrollment of 12%, up from 216,500 to 256,000 students. Analysts of enrollment trends, such as Bruce Cooper, anticipate an end to the Catholic school enrollment decline--possibly this year--with ensuing stabilization and eventual growth.[35] Hispanics will continue to be a larger and larger segment of the Catholic school population.

I have neither the time nor space to develop Fishman's arguments that low levels of participation in private Spanish language schools by Hispanics may be due to dependence on government programs, but it is clearly a fascinating line of inquiry.

As the evidence stands, it is clear that Hispanics have the opportunity, talent, organizational skills and resources, and financial capacity to do significantly more in the field of bilingual education than they now do. The inescapable conclusion is that they have only limited interest in bilingual education. If there were high demand for bilingual education it would be satisfied. There are no technical or functional barriers to supply.[36] No extra costs of consequence are associated with bilingual education if one condition is met: the teacher is bilingual and competent to offer instruction in both languages. Now the supply of such people in America is limited, but that too attests to the historical weakness of bilingual instruction programs.[37]

It is important to reemphasize as well that there are few regulatory barriers to hiring bilingual teachers in the private sector. Unlike the public sector, credentialing or licensing requirements do not apply, and private schools in most states may hire unlicensed native speakers.

The marginal costs of bilingual programs in the private sector, then, are minimal, related almost exclusively to those curricular materials that would not be needed in a monolingual environment.

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The hypothesis of this paper is a simple one. If bilingual and bilingual-bicultural education are important goals of identifiable constituencies, they will appear in fully developed form in the private sector. The ambiguity, ambivalence, and controversy that surround bilingual education in the public sector would be avoided in the private sector. Clear goals and a clear sense of purpose should be revealed in the private sector if any demand for such education exists. The pattern of deliberation, debate, and compromise that characterized the issue in the public sector should not appear in the private sector. To the contrary, consumers of bilingual education can exercise their preference without compromise. Pure bilingual education, as it were, should emerge full-blown in the private sector.

As I have noted, Fishman reports a wide variety and large number of "Institutional Language Resources" throughout the United States.

In one table, Fishman lists 2,470 broadcasting units, 7,203 local religious units, 762 press units, and 5,414 schools.[38]

In his supporting narrative, Fishman claims an even larger number: "there are probably well over 6,000 ethnic community mother tongue schools in the U.S.A. today, many of them still unenumerated by any effort to gauge the language resources of the country."[39]

Fishman's general theory about under-enumeration is almost certainly true. And while detail on non-English speaking schools is hard to get, a recent study by Cooper, et al, reveals a significant and systematic undercount of private schools across the country. On the basis of extensive field work, Cooper and his colleagues find undercounting of both schools and students. They identify a student undercount of non-Catholic private school students of 28 percent, indicating that existing reports of private school enrollment are seriously flawed.[40]

But even if the "language-related ethnic community schools" are undercounted by one-quarter, the overall number is still not large. More importantly, the enrollment in these schools is not known, or if it is, is not reported by Fishman. It is certainly far smaller than a similar number of public schools. We know, for example, from Cooper's work, that private schools are as a rule much smaller than public.

Assuming, then, that there might be 8,000 such schools, they would enroll no more than several hundred thousand students, a tiny fraction of the 45 million students who attend public and private elementary and secondary school in the United States. In addition, Fishman goes on to observe that "a quarter of the total number consists of all-day schools that are obviously, officially, and directly engaged in bilingual education, the rest being involved in this same enterprise more indirectly, in that their students are primarily English-speaking and, therefore, English is often (if not usually) employed in school efforts to educate and to influence the parents and pupils with which they are involved."[42]

The conclusion one must draw, however reluctantly, is that there is only limited interest in bilingual education in America. Given the importance of language maintenance to cultural and ethnic identify, we should expect to find a pattern of language maintenance programs in the private sector--what public sector advocates describe as bilingual-bicultural education. But in this case in particular, the exception proves the rule: maintenance programs are few and far between. They reveal a market response, but a very limited and attenuated market.

This conclusion is important for public policy because private schools are naturally occurring laboratories: they are important to public policy makers as examples of alternative practice, barometers of public opinion and consumer preference, early indicators of elite tastes and interest, and examples of different--if not best--practice.

The issue is specially interesting in the context of political and social elites. They are society's most skillful claimants for both public and private goods and services. They set public and private agendas; eventually their tastes and preferences set social tastes and preferences. But these elites do not set agendas and establish tastes if there is a heavy weight of public indifference or antipathy. And this is the principal public policy lesson offered by private bilingual education. There is no consequential interest in bilingual education in the United States at a mass level, and only slight interest at the elite level. It is a marginal enterprise because few care enough about it to act on it.

Fishman observes that "the fact that one is a federally-funded demonstration effort (Title VII of the Bilingual Education Act) and the other (Lau) is a court-mandated effort enforced by the executive branch of government, are themselves fully indicative of the well nigh complete lack of American educational rank-and-file support for either of these ventures. Neither of them are accomplishments of the American School (sic) enterprise and to the extent this enterprise is involved...it was either enticed (bribed?) or forced into doing so."[43]

It is important to stress that this is not the case with a dramatic variety of education offerings in the public and private sectors: from age-group tennis to SAT cram courses, from ballet schools to gymnastics programs, from proprietary vocational schools to fast-track academic schools, consumer demand is expressed and in some real measure satisfied.

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If existing public bilingual policy is a solution to a problem that doesn't exist--sponsored and implemented by elites on behalf of non-elites--what are the policy implications?

It suggests that bilingual education should be narrowly redefined, not as a civil rights issue, but as a pedagogical issue. American public policy about bilingual education should be simply stated: its purpose is to bring non-English-speaking students to proficiency in English. No more, no less. Such a program is not inconsequential. And it is worth pursuing. It is worth pursuing because it is virtually impossible to exist exclusively in the context of minority language in a sea of English. It serves no one's purpose to delay or inhibit English acquisition.

To deal with bilingual education in this manner will also defuse the political time bomb some critics think it represents. America is a monolingual nation, and that monolingualism is a singular virtue. The virtue is not one of moral superiority of one language over another, but the overwhelming convenience of a single language of commerce, art, trade, and politics. Conceptually, it is a matter of indifference what language it is: it could as easily be Spanish or Russian or French. That by historical accident our national language is English is no less a convenience. Indeed, it would be political wisdom to treat this phenomenon as a supremely convenient instrumentality rather than an ideologial question of ultimate concern.

Finally, to restore the emphasis on pedagogy is politically and intellectually useful. Indeed, to emphasize pedagogy can have beneficial political effects in terms of the very audiences civil rights programs are designed to reach.

Language instruction as a matter of intellectual discipline elevates its status and prestige. If colleges and universities were once again to require knowledge of a second language as a condition of entry and exit, the importance of second languages would be increased in a non-divisive manner. Better yet, would be high school requirements for at least two years of a second language. Best would be required second-language instruction at the elementary school level.

Requiring a minimum level of second language proficiency for college entrance would pose no burden for native speakers; indeed, it would be a welcome plus for those who were fluent in their native tongues as well as English. The burden of second-language mastery would then fall on monolingual students—Americans who speak only English.

This would represent a profound political transformation, using pedagogy to reverse, as it were, political polarity. By the simple assertion that the educated man knows more than one language, the academy would change a liability into an asset. In the final analysis, the change is important because the use of civil rights rhetoric to undergird public sector language instruction is fundamentally hollow. It does not represent an organic reflection of the needs and aspirations of the constituency it allegedly serves. Rather, it is a program designed by elites for non-elites, an invitation to unsatisfactory pedagogy and less satisfactory politics. If it were otherwise, a vigorous private sector would have presaged a vigorous public sector. A weak private sector sends an unmistakable message.

The lesson of private school language instruction then, is clear, second-language instruction should be a means to master English—our native tongue—or a discipline observed for its own academic and intellectual merits. While there is a right to bilingualism, the language of rights is not the issue of bilingual instruction.

ENDNOTES

1. Iris Rotberg, "Some Legal and Research Considerations in Establishing Federal Policy in Bilingual Education," Harvard Educational Review, Vol. 52, No. 2, (May 1982).

2. Ibid, p. 156.

3. See Steven Schlossman, "George I. Sanchez and Enduring Dilemmas in Bilingual Education," Teachers College Record, Vol. 84, No. 4, (Summer 1983).

4. *Ibid*, p. 862.

5. *Ibid*.

6. *Ibid*.

7. For a detailed treatment of the German experience, see Steven Schlossman, "Is There An American Tradition of Bilingual Education? German in the Public Elementary Schools, 1840-1919," *American Journal of Education*, Vol. 91, No. 2 (February 1983): 139-186.

8. Schlossman, "George I. Sanches...", p. 871.

9. While educators have tried, and do try, to take seriously the pedagogical dimension of bilingual education, most observers and analysts agree that in its first modern incarnation under President Johnson its principal purpose was to respond to the civil rights needs of language minorities. (See Breneman and Epstein, "Uncle Sam's Growing Clout in the Classroom," *The Washington Post*, August 6, 1978, and Rotberg, *ibid*.) Rotberg offers the following generous characterization: "Federal involvement in bilingual education began as a response to the educational problems faced by these children, to issues raised by the civil rights movement, and to the interest of ethnic groups in maintaining their heritage." The first and last items have a long history but produced little action. It took the civil rights revolution, the War on Poverty, and Johnson's political genius to produce a bilingual program at the federal level.

10. Rotberg, *ibid*, p. 157.

11. *Lau* v. *Nichols*, 414-05-563 (1974).

12. *Ibid*.

13. For a more complete discussion of the legal and administrative dimensions of this issue, see Rotberg, *ibid*, pp. 151-153.

14. *Ibid*, p. 159.

15. See Paul Simon, *The Tongue-Tied American*, (New York: Continuum, 1980).

16. Oddly enough, the academic failure to teach hard languages like Farsi is so complete that it becomes a convenience; the State Department foreign language aptitude examination is in Farsi because the likelihood of a Farsi speaker taking it is so slight. Each test-taker is at an equal disadvantage when confronted with Farsi, and the capacity to make some sense of Farsi becomes a proxy for language aptitude generally.

17. The explanation is the operational difficulty occasioned by "counting by race." As a practical matter, it is awkward enough to count fairly distinctive racial minorities, most of whom have "mixed" blood; it is impossible to think about how one would count "Hispanics" without reference to language. There are no racial or cultural characteristics that knit them together, any more than English mastery is associated with race or ethnicity. But for Lyndon Johnson it was impossible *not* to count them one way or another. It was a political imperative. Ergo, bilingual programs for Hispanics. that this logic led to programs in Athabascan, Tagalog, Cambodian, Swahili, etc, was not foreseen, but still it was inevitable.

18. In some communities this actually became an issue. So refined did it become, in fact, that in the Edgewood, Texas, school district (plaintiff in the famous Rodriguez suit) efforts were made to teach Spanish to the level of neighborhood slang, the assertion having been made that different people in different parts of Edgewood spoke different Spanish. A real *reductio ad absurdum*.

For a fascinating discussion of a similar case in Michigan, see Nathan Glazer, "Black English and Reluctant Judges." Public Interest, No. 62 (Winter 1981): 40-54.

19. Rotberg, *ibid*, p. 164.

20. *Ibid*, p. 164.

21. See David Tyack, *The One Best System: A History of American Urban Education*, Cambridge, Mass: Harvard University Press, 1980, for a powerful analysis of why this is so.

22. For a more complete description and analysis of private education, see Denis P. Doyle, "A Din of Inequity: Private Schools Reconsidered," *Teachers College Record*, and Bruce Cooper, et al, "The Latest Word on Private School Growth," *Teachers College Record*, Vol. 85, No. 1, (Fall 1983).

23. Joshua Fishman, et al, *Non-English Resources of the United States (A Preliminary Return Visit)*, Final report to the Research Section, International Studies Branch, Department of Education, in connection with research supported under Grant G-00-79-01816, p. 20.

24. See Doyle, *ibid*.

25. By this I do not mean to suggest that it is unimportant to the participants: to the teachers and students--the bilingual school community--it is very important indeed. In fact, its marginality in terms of the larger picture suggests that it is all the more important for those involved: they are swimming against a strong tide.

26. A notable example of market distortion cause by public-private competition is the relationship between libraries and bookstores, described by Charles Benson of U.C. Berkeley: they serve superficially similar functions, but in fact engage in very different markets which complement as well as compete. One makes available large numbers of a few very popular books for sale, the other a few copies of a very large number of books of limited popularity for loan. A patron knows there will be a long wait for a bestseller at the library, and a long wait to back-order an obscure but important book at a bookstore. In each case the institution is responding rationally to the intensity function of customer demand. And the customer makes a rational decision as to which institution he will patronize based on the value of time and money.

One analysis is that the bookseller is denied an important market segment by virtue of the existence of the free, public, lending library. (Indeed, in some countries libraries are membership organizations, fee-charging associations which exist in a limited market.) As well, authors are "denied" royalties by libraries that loan books. In the United Kingdom there is a strong movement provide impelled royalties for authors whose books are borrowed from lending libraries.

The extent to which these practices distort book markets is an open question: absent the free alternative, people might read less. And an exclusively private market in books might mean inadequate investment in more obscure but nonetheless important items.

27. See James Coleman, "Public Schools, Private Schools and the Public Interest," *The Public Interest*, No. 64, (Summer 1981).

28. See Virgil Blum, *Inner-City Private Education: A Study*, (Milwaukee, Wisc: Catholic League for Religious and Civil Rights, 1982).

29. See Doyle, ibid.

30. Fishman, ibid, p. 51 (Chapter 4).

31. Ibid, p. 54 (Chapter 4).

32. Ibid, p. 115 (Chapter 4).

33. Ibid, p. 117 (Chapter 4).

34. Doyle, ibid.

35. See Bruce Cooper, Donald H. McLaughlin, Bruno V. Manno, "The Latest Word on Private School Growth," Teachers College Record, Vol. 85, No. 1, (Fall 1983): 88-99.

36. Education, at both the elementary and secondary levels, is labor- not capital-intensive. Thus, the barrier--or opportunity--to school creation is the availability of labor. Accordingly, in communities where interest in school founding is high, schools are readily founded (as are churches). In fact, a school is a relatively inexpensive community activity in terms of venture capital: keeping one running may be more difficult, but it requires no set of organization or management skills out of reach of ethnic minorities. While not "easy," staring a school is not particularly hard either.

37. As Cooper and his colleagues observe, "Clearly, the growth in the non-Catholic private sector is a sign of real entrepreneurship at the local level, for most of these new schools were opened through local, separate efforts, not a coordinated national push by large associations or churches. This growth pattern seems to indicate a broad-based, energetic, grass-roots attempt by families, religious congregations, and individuals to provide a special kind of schooling for children--much the same localist impulse, it seems, that built the American public school system in the nineteenth century." (Cooper, et al, ibid, p. 97)

38. Fishman, ibid, p. 21.

39. Ibid.

40. Cooper, ibid, p. 94.

41. Ibid, p. 97.

42. Fishman, ibid, p. 1 (Chapter 4).

43. Ibid, p. 30 (Chapter 4).

REFERENCES

Blum, Virgil. Inner-City Private Education: A Study. Milwaukee, Wisc: The Catholic League for Religious and Civil Rights, 1982.

Bowles, Samuel, and Gintis, Herbert. Schooling in Capitalist America: Educational Reform and the Contradictions of Economic Life. New York: Basic Books, 1976.

Breneman, David, and Epstein, Noel. "Uncle Sam's Growing Clout in the Classroom." The Washington Post, August 5, 1978.

Coleman, James. "Public Schools, Private Schools and the Public Interest." The Public Interest 59:19-30.

Cooper, Bruce; McLaughlin, Donald H.; and Manno, Bruno V. "The Latest Word on Private School Growth." *Teachers College Record* 85, No. 1:88-99.

Doyle, Denis P. "A Din of Inequity: Private Schools Reconsidered." *Teachers College Record* 82, No. 4:661-674.

Elford, George. *A Study of Bilingual Instructional Practices in Non-Public Schools*. Princeton, N.J.: Educational Testing Service, 1982.

Fishman, Joshua A. *Non-English Language Resources of the United States (A Preliminary Return Visit)*. New York: Yeshiva University, 1980.

Fishman, Joshua A., and Markman, Barbara A. *The Ethnic Mother-Tongue School in America: Assumptions, Findings, Directory*. New York: Yeshiva University, 1980.

Glazer, Nathan. "Black English and Reluctant Judges." *Public Interest* 62:40-54.

Rotberg, Iris C. "Some Legal and Research Considerations in Establishing Federal Policy in Bilingual Education." *Harvard Educational Review*, Volume 52, Number 2, May 1982.

Baker, Keith A., and de Kanter, Adriana A., eds. *Bilingual Education: A Reappraisal of Federal Policy*. New York: Lexington Books, 1983.

Schlossman, Steven. "George I. Sanchez and Enduring Dilemmas in Bilingual Education." *Teachers College Record* 84, Number 4:871-907.

———. "Is There An American Tradition of Bilingual Education? German in the Public Elementary Schools, 1840-1919." *American Journal of Education* 91, No. 2:139-186.

Simon, Paul. *The Tongue-Tied American: Confronting the Foreign Language Crisis*. New York: Continuum, 1980.

Stanfield, Rochelle L. "Are Federal Bilingual Rules a Foot in the Schoolhouse Door?" *The National Journal*, October 18, 1980.

Tyack, David. *The One Best System: A History of American Urban Education*. Cambridge, Mass: Harvard University Press, 1980.

STATEMENT OF JOSEPH E. MILLER, ASSISTANT DIRECTOR
NATIONAL LEGISLATIVE COMMISSION
THE AMERICAN LEGION
TO THE SUBCOMMITTEE ON THE CONSTITUTION
SENATE COMMITTEE ON THE JUDICIARY
JUNE 12, 1984

Mr. Chairman and Members of the Subcommittee on the Constitution of the Senate Committee on the Judiciary, The American Legion is pleased with this opportunity to present its views on S.J. Res. 167, a Constitutional Amendment which would designate English as the Official national language of the United States of America. For your convenience we have attached a copy of The American Legion's Resolution number 24-F-83 which was adopted by the National Executive Committee of the Legion in October 1983.

Mr. Chairman, the United States has enjoyed one of the most significant unifying forces with which a nation can be blessed, a common language. Yet, everyone who resides in this country is of immigrant stock. Even the American Indian is descended from Asian stock that migrated, it is estimated, to this continent, somewhere around sixty thousand years ago. Certainly, then in geologic terms, we are all new-comers. More recently the French, the Spanish, the Dutch, the English, and Russian all laid claim to some part of the North American continent. Yet, whether through treaty or war, the languages were supplanted by the language of the dominant force, English.

Likewise, immigrants to this country during the 1800's and early years of this century were more than willing to accept the language of the dominant power, English. While many of these newly arrived immigrants never really mastered the English language, they saw to it that their sons and daughters developed the necessary proficiency in their adopted tongue. In many ways, the use of English was forced upon the new-comers. A polyglot society, English was the one language that could at least marginally be understood by the Polish, Dutch, Swedish, German and other immigrants suddenly finding themselves thrown together. The lesson was profound. It taught these new Americans that regardless of whether they were Jewish, Italian or Russian their ability to succeed was dependent wholly on their ability to communicate with others. Quickly, these immigrants learned that the key to full integration and acceptance as well as economic success was available only through the vehicle of a common language. The language at home may have been Russian, Polish or French, but the language of the streets was English.

This distinguished subcommittee has been placed in a unique position among Congressional Committees, that of safeguarding from spurious change that most precious of all American documents, the Constitution of the United States of America. The proposed amendment to our Constitution which would set English as the official national language is not, however, a spurious change. Rather it is a reaffirmation of the design of the Constitution itself and its goal of unifying a diverse group of citizens under a common law in one nation with one language, the language of the Constitution, English. In fact, the very first statement made in the preamble of the Constitution is "We the people of the United States...." That phrase, in English, is all encompassing. Equally important is what follows, "...promote the general welfare, and secure the Blessings of Liberty to ourselves and our Posterity...." The fact is, that the founding fathers, who themselves came from several European nations, used English as common medium of communication.

As a group of war time veterans who served this country and its citizens during two world wars, Korea and Vietnam The American Legion has a special interest in the issue of preserving the unity of this nation under a single language. Preserving the independence and freedom of the United States, as each of us knows, is not a topic Legionnaires take frivolously. Indeed, in the preamble to the Constitution of The American Legion it is written that, "...we associate ourselves together... to defend the constitution of the United States of America...and... to inculcate a sense of individual obligation to the community, state and nation...and transmit to posterity the principals of justice, freedom and democracy...." As a group of wartime veterans we do not wish to see the unity, for which we fought and bled to preserve, subverted by the devisiveness of a multiple language system.

There are, of course, those who will argue, that a multiple language system will more properly recognize the contributions of other ethnic groups to our society and allow those groups to more adequately share in the abundances that this nation has to offer. That same argument would hold that a system of multiple languages would not be divisive but rather would establish equality between all ethnic groups. Unfortunately, these arguments subvert the history of nations at worst, and at best, ignores the historical relevance of language in intra and international conflicts. Stated another way the arguments in opposition to establishing English as the official language fail to recognize or avoid recognizing the problems that are created by multiple language systems.

But, just what are some of the problems created by the conflict between languages? To begin with, there is linguistic snobbery. By perpetuating a minority language within a multiple language system, the majority has a readily available means of identifying members of the minority. Such identifying characteristics regardless of whether the majority or the minority is in power promotes separateness through affiliation with one's own linguistic family. Separateness is, of course, antithetical to unity. In separateness the individual's responsibility is to their individual group, not the nation as a whole creating a we-they dichotomy. Each group, of course, feels that its views are just and that its linguistic family should be in power. Therefore, to call into question the patriotism of either group is not only wrong but incendiary as well. We recognize that those who oppose the adoption of a Constitutional amendment designating English as the official national language are well meaning, but we believe that their quest for equality would be far better served by demanding intensive English instruction rather than continuing to promote separateness in a nation whose very name says United.

There are already more than enough conflicts around the world whose origins are the result of linguistic differences that we do not need to add further to that imbroglio. Instead, we should study the active linguistic conflicts around the world, and as a democratic society seek to avoid falling into the same no-win situation. A Constitutional amendment declaring English as the official National Language will be a major step in the right direction. For illustrative purposes, allow us for a moment to highlight some of the countries currently experiencing difficulty because of a multiple language system.

Since the late Middle Ages, the tiny European nation of Belgium has been torn apart because of the perpetual conflict between the Flemish (Dutch speaking group) and the Wallons (French speaking group). Nestled as it is, between France and the Neatherlands observers can readily see how adjoining nations, which share a common language with one of the antagonist groups, can become involved in the internal conflicts of another nation. The conflict between the Wallons and Flemish still fosters resentment and controversy.

A similar situation exists on the Island of Cyprus where constant and violent friction between Greek and Turkish Cypriots has been the rule rather than the exception since the Turkish conquest of Cyprus in the sixteenth century. During the last 80 years Cyprus has frequently been beset with bloody altercations between Turkish and Greek Cypriots. Likewise the resurgence of Irish, Scottish and Welsh nationalism is primarily due to linguistic differences between these groups and their British sovereigns. Of course, ethnic and cultural differences exist between the British, Welsh, Scots and Irish but the primary distinguishing feature between these groups is language.

Closer to home, and a situation with which most Americans have at least some passing knowledge, is the separatist movement in the Canadian Province of Quebec. The influence of the French language in Quebec is so pursuasive that French is mandated by law as the official language of the Provincial government, public schools and business. The dual language system in Canada has necessitated the production of all government documents in both French and English. Yet, despite the English speaking majority's attempts to accommodate the French speaking minority, the strength of the French-Canadian separatists has never been stronger, nor have their activities to secure a separate and independent free French state.

Today, in the United States, the conflict over language centers primarily around Hispanic immigrants, legal and illegal who comprise the fastest growing immigrant linguistic group. Unlike other immigrant groups who recognized the rights of the citizens of the country to which they came and who therefore deferred to the dominant linguistic force, our new immigrants wish to enjoy the benefits of the United States without recognizing the rights of the citizens that allowed them entry. The right that we are referring to is, of course, the right to enjoy the unity and comforts of the dominant language.

While earlier immigrants respected the United States and wanted to become Americans and a part of the country that offered them a beacon of hope, newer immigrant groups do not necessarily respect the majority's right to maintain a dominant language. Instead of being a beacon of hope the United States has become an economic goal, a resource to be taken advantage of while maintaining an ethnic, cultural and linguistic separation.

We, as a nation, are in part responsible for the present state of affairs. Americans have always been a fair people. We seem always to be asking ourselves how can we, of immigrant stock, deny others that which our forebearers secured for themselves and us? Being of immigrant stock we sought out and approved novel educational experiments that were touted as the answer to "mainstreaming" the new arrivals. As a nation we permitted, indeed mandated, bilingualism in the public schools to aid the transition from one language and culture to another. Instead of the transitional device that bilingual education was meant to be, it has become a device to teach students in the native tongue while English, the dominant language of the country, has been relegated to a position of secondary importance. In short, the more that we, as a nation have given, the more that is being demanded.

No one can, of course, say with absolute certainty just where the increased demands will take us as a nation. Nor can we say with certainty that the demands for linguistic recognition will not result in some heavily Hispanic region demanding autonomy, indeed pushing for a separate, independent Spanish speaking nation within our own borders.

To some, such a possibility may seem remote and even far fetched. But the history of nations is replete with examples of separatist movements developing and coming to pass because of linguistic differences. That these hearing are being held at all indicates that the problems generated by multi-language systems are already being experienced in the United States, and the issue of a Constitutional amendment is being examined as a possible solution to these developing problems. To those who say it can not happen here we respond that persons unwilling to learn from the past are bound to repeat it.

Clearly, a Constitutional amendment designating English as the official national language is in the best and vested interest of the United States if and only if we intend to remain the United States. It is also true that time and circumstances often have a way of overpowering the best of intentions. Delaying this most important amendment, until some future date may result in it simply being too late to stave off the inevitable. A grand gesture too late on the scene to further prevent the erosion of unity that this nation has enjoyed for more than 200 years. The American Legion firmly believes that as a nation we must act instead of react and that acting means seeking a Constitutional amendment designating English as the official national language.

Mr. Chairman, that concludes our statement.

* * *

NATIONAL EXECUTIVE COMMITTEE MEETING OF THE AMERICAN LEGION, OCTOBER 12-13, 1983

RESOLUTION NO: 24

COMMISSION : Americanism

TITLE : The English Language be Declared as the Official U. S. Language

WHEREAS, The United States has over the many years been a haven and in most cases a new home for people of many ethnic backgrounds; and

WHEREAS, These people, although keeping their ethnic background alive, were urged to take advantage of the educational system that taught them the English language and American history; and

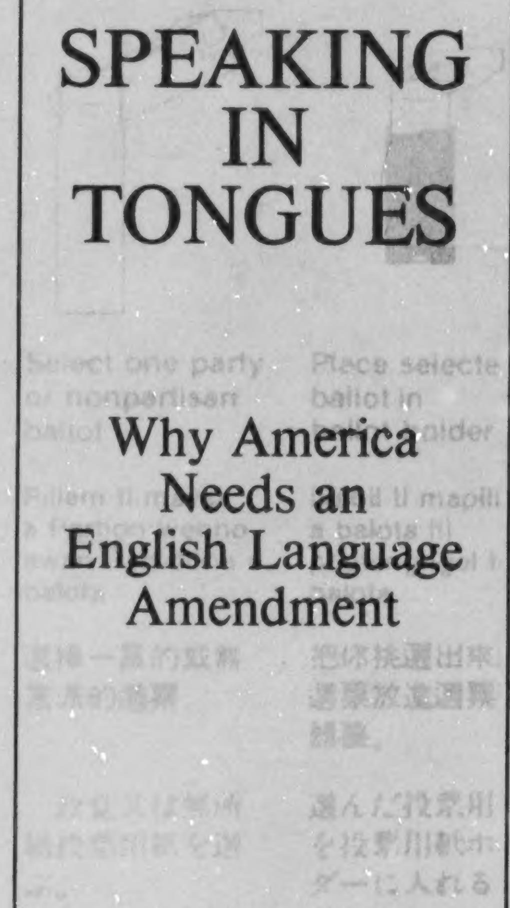
WHEREAS, Many of preferred visitors and new citizens, although clinging to their ethnic backgrounds, did with pride take advantage of learning the language of the United States; and

WHEREAS, Bilingual programs have diversed to include primary instruction in the student's home language, while English is subjected to a secondary status; and

WHEREAS, These programs tend to encourage separtism, rather than a unification of purpose, now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on October 12-13, 1983, That The American Legion encourage legislation which would establish English as the official national language; and, be it further

RESOLVED, That The American Legion urges Congress to redirect bilingual education programs to serve, as was intended, as a transitional tool until English has been achieved.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Place selected
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SPEAKING IN TONGUES

Why America Needs an English Language Amendment

Washington, D.C.
Young Americans for Freedom
Post Office Box 2702
Washington, D.C. 20057
(202) 944-1558

English Must Become Our Official Language

by Deroy Murdock
Chairman, Washington, D.C. YAF

When we think of endangered species, we usually envision dwindling groups of California condors, snail darters, and until recently, the bald eagle. Surprising as it may seem, in some parts of the United States the English language could be added to that list. The primacy of English in America is being threatened in many of our states and localities. Only eleven states require knowledge of English in order to receive a drivers' license. The National Labor Relations Board publishes its notices in 32 different languages. People even perform the precious act of voting in many languages other than English in 30 states of the union. The situation in Miami is so bad that its Mayor, Richard Ferre said, "You can go through your whole life without having to speak English at all." Signs appear throughout Miami which say, "English is spoken here." That fact should be a given, not welcome and reassuring words to an English speaker lost in his own country.

This situation has come about because many "government experts" have forgotten the efforts that immigrants used to make when they reached the U.S. in days past. Their first priority in this new land was to learn English with at least a satisfactory command of the language. After they had acquired this all important skill, Germans, Italians, Poles, and others went on to join the mainstream of American life. Their knowledge of English allowed them to prosper economically, socially, politically, and otherwise feel like Americans. The U.S. would not have a California governor named Deukmejian, a New York senator named D'Amato, or a Michigan congressman named Vander Jagt if these leaders' parents had not let them speak English.

These days, though, the "shock" of learning a language is considered an unreasonable burden to place upon an immigrant. The government has established bilingual programs which too often hinder English literacy by teaching new arrivals to the U.S. to hold on to their old tongues and remain outside of the American mainstream. The result? Many who come to our shores sadly remain in an underclass with no hope of upward mobility or the opportunities that immigrants used to enjoy when learning English was a virtue.

Needed: an English Language Amendment

What should we do? A prudent solution lies in amending the Constitution to make English the official language of the United States. We believe an English Language Amendment, or E.L.A., would go far to reverse the retreat of English while opening new horizons for non-English speakers.

An E.L.A. would give immigrants and non-English speakers an incentive to learn English. New arrivals to America discover that many things from street signs to ballots appear in their native languages. Thus, they frequently see no need to learn English and make little if any effort to do so. An E.L.A. would remove many of these foreign language communications, which local, state and federal governments have put forth, thereby restoring immigrants' motivation to speak English. This step would give them added opportunities to advance in America.

E.L.A. Would Refocus Bilingual Education

An E.L.A. might change the focus of many of this nation's bilingual education programs. Quite a few of these projects have not attempted to make foreign language speakers proficient in English. Instead, they have tried to promote "biculturalism" in which students spend only a part of the day learning and speaking English. The rest of their class time involves learning academic subjects in their native languages, so that they can "maintain their cultural identities" and stand apart from the American mainstream. Those who have designed these educational programs have done so with a vision in mind of the U.S. as a "salad bowl" rather than a "melting pot" in which America would be made up of vastly different groups which would not assimilate into our American culture. In fact, the American Institute for Research has found that "86% of bilingualism project directors said it was their policy to keep children in Spanish tracks after they were capable of making the jump to English." Most E.L.A. legislation proposed so far would only allow bilingual education which acted as a transition phase to English literacy and not as a tool for keeping immigrants and non-English speakers out of our society and culture.

Private Use of Non-English O.K. Under E.L.A.

Establishing English as the official U.S. language would have no effect on the private use of foreign languages. Ethnic groups could still hold ceremonies and events which feature the use of their native tongues. Of course, use of non-English in the home would continue unrestricted. Only the government would have to limit itself to English in its ballots, documents, programs, publications, and pronouncements. Also, the E.L.A. would not hinder the teaching of foreign languages to English speakers in public or private schools.

An E.L.A. Would Promote National Unity

Perhaps the most important reason for passing an E.L.A. however, is to prevent the disunity which multilingualism has caused in other nations. As Dr. S.I. Hayakawa, a chief booster of the E.L.A. once said, "Ethnic politics, especially ethnic passions heightened by language differences, is fatal to national unity." Countries such as Belgium, India, and Sri Lanka have stood divided between groups of its citizens who speak different languages. Canada is currently trying to remain unified despite the efforts of its French-speaking citizens who are seeking independence from the rest of the nation. Canada has become an officially bilingual nation, in which even air traffic control communications must be conducted in English and French. This situation led to at least twenty accidents attributable to language errors in the first year of the policy alone. If current demographic trends continue, ethnic groups which are now minorities in some of America's regions will become majorities by the end of this century if not sooner. Should they continue speaking their native languages, they might not consider themselves part of this nation and its culture, and could choose to break away. An E.L.A. would go far to prevent this sort of thing from happening. By restoring incentives to learning English and preventing government from promoting the use of non-English, an E.L.A. would reverse the trends which could eventually spawn separatist movements in America.

E.L.A. is Natural for Conservative Agenda

An English language amendment is something every conservative should support. It would increase opportunities for America's new citizens by bringing them into our society's mainstream. It would preserve those aspects of American culture embodied in our language and foster unity within our nation. What more could a conservative want? We should all strive toward seeing an E.L.A. enacted into law. Together, we can keep English in America from going the way of the Dodo bird.

The Sharon Statement

"Adopted in Conference at Sharon, Connecticut, September 9-11, 1960."

IN THIS TIME of moral and political crisis, it is the responsibility of the youth of America to affirm certain eternal truths.

We, as young conservatives, believe:

THAT foremost among the transcendent values is the individual's use of his God-given free will, whence derives his right to be free from the restrictions of arbitrary force;

THAT liberty is indivisible, and that political freedom cannot long exist without economic freedom;

THAT the purposes of government are to protect these freedoms through the preservation of internal order, the provision of national defense, and the administration of justice;

THAT when government ventures beyond these rightful functions, it accumulates power which tends to diminish order and liberty;

THAT the Constitution of the United States is the best arrangement yet devised for empowering government to fulfill its proper role, while restraining it from the concentration and abuse of power;

THAT the genius of the Constitution—the division of powers—is summed up in the clause which reserves primacy to the several states, or to the people, in those spheres not specifically delegated to the Federal Government;

THAT the market economy, allocating resources by the free play of supply and demand, is the single economic system compatible with the requirements of personal freedom and constitutional government, and that it is at the same time the most productive supplier of human needs;

THAT when government interferes with the work of the market economy, it tends to reduce the moral and physical strength of the nation; that when it takes from one man to bestow on another, it diminishes the incentive of the first, the integrity of the second, and the moral autonomy of both;

THAT we will be free only so long as the national sovereignty of the United States is secure; that history shows periods of freedom are rare, and can exist only when free citizens concertedly defend their rights against all enemies;

THAT the forces of international Communism are, at present, the greatest single threat to these liberties;

THAT the United States should stress victory over, rather than coexistence with, this menace; and

THAT American foreign policy must be judged by this criterion: does it serve the just interests of the United States?

NEWS ARTICLES

Chicago Sun-Times, Thursday, October 7, 1982

Multilingualism—a cure for arrogance

Personal view/Myron B. Kuropas

Reaganism is doing something to my fellow conservatives and I'm distressed. First it was Patrick Buchanan, a former Nixon speechwriter, lauding adversity as the touchstone of American progress. Then came columnist George F. Will praising cultural conformity as the salvation of the American Way.

MYRON B. KUROPAS

In a recent Sun-Times column, Will urged people to read *Hunger of Memory*. It's the autobiography of Richard Rodriguez, a Mexican-American who earned his Ph.D. in English literature and wrote a book about it. Will finds two things noteworthy about this relatively mundane accomplishment. First is Rodriguez's admission that during his climb up the academic ladder he could "not afford to admire his parents . . . and still summon the stamina to rise above their life." The second is Rodriguez's apparent abandonment of his Mexican heritage and Spanish language. The "healthy trend," concludes Will, is "away from the romance of diversity toward uniformity."

I have no quarrel with Rodriguez. He made his choice and he's stuck with it. There are thousands of immigrant children who have earned their Ph.D.s and still manage to admire their parents and remain happily bicultural and bilingual. My problem is with those who applaud ethnocentrism in the naive belief that this is best for America.

A far more enlightening book for Americans is *The Tongue-Tied American* by Rep. Paul Simon (D-Ill.). "At a time when the national need dictates that we should be increasing the exposure of our citizens to other languages and cultures," he writes, "that exposure is declining."

Meaningful communication in the international arena involves the ability to understand the culture and language of friends and foes alike. Many Americans, however, brought up to be justifiably proud of the American Way, subconsciously adopt the erroneous corollary that all other "ways" are inferior. They still believe that our foreign-born citizens and their offspring can best demonstrate their "Americanism" by repudiating their ethnocultural traditions and succumbing to lingual amnesia.

The United States has paid dearly for its cultural myopia. Our export market represents 8 percent of our gross national product; German and Japanese exports represent 15 to 25 percent of their GNPs. We push American products hoping to *change* their habits and tastes. They *adapt* their products to our tastes and markets.

We have an enormous trade deficit with Japan. They have 10,000 salespeople in New York City alone. All speak English. We have 1,000 salespeople in Japan. Few speak Japanese.

Most of the world's leaders are multilingual. Ours seem to take perverse pride in speaking only English. Imagine Pope John Paul II speaking only Polish!

The State Department no longer requires a second language for entry into the foreign service. The results, as Simon points out, have been costly:

- Before the Vietnam War, there were fewer than five American-born experts in the State Department who could speak any of the languages of that region.
- When the Iranian crisis began in 1978, only six of the 60 foreign service officers in the U.S. embassy in Tehran were even minimally familiar with Farsi.
- When the Soviets invaded Afghanistan, no one in our embassy in Kabul spoke Russian.

If we contrast our capabilities with those of the Soviet Union, our deficiencies become even more apparent:

- There are more *teachers* of English in the Soviet Union than *students* of Russian in the United States.
- The Center for American and Canadian Studies in Moscow expanded its budget fivefold in the past two decades. The Russian Studies Center at Harvard cut its budget by 80 percent.
- Of the 4,576 "defense-security" positions in our government requiring Russian proficiency, only 3,039 of the 1980 incumbents had it. If so few speak Russian, how many fewer speak any of the other 32 major languages of the U.S.S.R.? How many understand Uzbek, Chuvash, Tadzhik or even Estonian, Latvian, Lithuanian and Ukrainian? More than 60 million people speak those languages.

Time is running out for the United States and higher tariffs alone won't save us. Nor will bigger and better bombs. We didn't lose in Vietnam because of inferior firepower, and we're not losing in Central and South America because we need more aircraft carriers. We're being outmaneuvered because many of our business and political leaders suffer from what may well be a case of terminal arrogance.

Myron B. Kuropas is national vice president of the Ukrainian National Association. He earned his Ph.D. at the University of Chicago, still admires his immigrant parents and delights in being bicultural and bilingual.

INTERCULTURAL DEVELOPMENT RESEARCH ASSOCIATION
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THE ROLE OF NATIVE LANGUAGE INSTRUCTION IN BILINGUAL EDUCATION

by José A. Cárdenas, Ed.D.

There are few public issues today which produce such a range of diverse reactions as does bilingual education. Proponents for bilingual educational programs are strong and loud in their demands for it; opponents are equally adamant against it. The reasons for support or opposition are so varied that one tends to lose sight of a pedagogical rationale in the heat of emotional, patriotic, racial, and other arguments. Criticisms of bilingual education stem from every type of person and for every conceivable reason. Noel Epstein coined a new phrase, "affirmative ethnicity," to voice his opposition. Others criticize the violation of the official national language (there is none in this country), the dangers of language minority separatism, unwillingness to learn and speak the English language, and the undesirable need for a crutch in the American and English language culture. One even hears the perennial resurrection of the totally discredited "Interference Theory" (if they are allowed to speak their native language, it will interfere with the learning of English).

An uninformed observer would venture that part of the problem is the failure of proponents of bilingual education to present an adequate rationale, but such a viewpoint would be extremely naive. The rationale has been presented again and again in educational articles, in the media, in court decisions, and in legislation. The fact is that opponents of bilingual education seldom seem to go beyond the title in the formulation of negative responses. Opponents of bilingual education seldom use an accurate definition, a fair description, or factual information. In most cases the emotional response overshadows all rational considerations.

Yet it would be remiss to allow those who peruse press releases, news coverage, and letters to the editor to form negative concepts on the basis of information presented solely by opponents of bilingual education. For that reason I am again presenting some arguments in favor of bilingual education and the educational reasons for the temporary use of native language instruction in bilingual education programs.

The Evolution of Bilingual Education

Bilingual education came into favor as an alternative program in the late 1960s. Persons not around the educational scene in those days, and persons who were around but have short memories, need to be informed or reminded of the educational scenario at the advent of bilingual education.

My first contact with second language development occurred much earlier than that. In the middle 1930s, I was placed in an all-English first grade instructional program without an adequate knowledge of the English language. I still remember it as a traumatic experience. It was not an uncomfortable, unpleasant, or challenging situation, but rather a traumatic, disconcerting, terrorizing type of experience. This type of educational methodology can best be described as a sink-or-swim approach. A student either learned the English language fast and swam, or he failed to do so and sank. A recent newspaper article points out that some of us swam. That is true, but demographic evidence shows that over 80 percent sank. Furthermore, of the few that did not sink, many of them never really learned to swim; they just stayed in the water, not sinking, but unable to swim out.

A student either learned the English language fast and swam, or he failed to do so and sank. A recent newspaper article points out that some of us swam. That is true, but demographic evidence shows that over 80 percent sank.

It is interesting to note that those who swam grew up, almost without exception, in homes with strong language capability. Though this capability was usually in a language other than English, an unusually good language ability was present during the developmental years. This is as true for language minority persons in the past who grew up to become congressmen, mayors, educators, and successful businessmen, as it is today for the Korean or Vietnamese children who are graduating as valedictorians. The common denominator invariably is extensive utilization competence in some language. Another personally significant event occurred in the early 1950s, when I worked as a teacher, supervisor, and principal in Texas public schools. The performance of limited English proficient children in classes I taught constituted another traumatic experience. These children, who in any other way would be classified as normal, were unable to perform the most basic classroom activities. I joined the thousands of other teachers who experienced the frustration that, in spite of dedication, commitment, caring, and hard work, the instruction of language minority children did not produce the same type of performance we

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took for granted with nonminority children.

Another memory pertains to the implementation of structured English language programs in the early 1960s. The main difference between this approach and the earlier sink-or-swim approach was that a concerted effort was made at introducing the English language in a structured, nonthreatening context. As a result of this approach, the trauma of an early elementary transition to a new language was reduced, though it is difficult to claim that this new methodology was clearly successful. Though the approach was vastly superior, it was evident that the child would suffer from cognitive discontinuity as basic and content learning were deferred until the student demonstrated a certain level of English language mastery. It became common educational practice to postpone cognitive activities until English mastery had been established, but children in such programs were commonly one calendar year behind their English speaking counterparts and the development deficit tended to grow in subsequent years, rather than to be reduced or eliminated.

By 1966 the frustrations associated with the instruction of limited English proficient children were intolerable for many. Language minority children were dropping out of school at rates higher than 80 percent. Their performance as measured by standardized tests indicated achievement levels at an average of two grade levels below expectancy norms, and the English language programs had not met the anticipated promise. In addition, the civil rights movement had awakened the interests of minorities regarding the education of their children. Students and parents alike were demanding improved educational opportunities while educators were at their wit's end in trying to cope with the growing pressures.

It is not sufficient to say that the bilingual approach was accepted in the late 1960s. It was welcomed, it was embraced, it was grasped as the proverbial straw which could prevent the continued drowning of limited English proficient children in the dark waters of our elementary and secondary schools.

The compensatory education programs of the late sixties and early seventies did little for language minority children. This was to have been expected because such compensatory programs seldom went beyond giving students more of the inadequate programs of the fifties. The same methodologies which ill-served them six hours a day for nine months a year were extended for a couple of hours a day and the remaining three months of the year.

Thus it was that a group of concerned educators began to speak about alternative teaching strategies. One such program which surfaced at the time was a bilingual approach for the teaching of limited English proficient children. It is not sufficient to say that the bilingual approach was accepted in the late 1960s. It was welcomed, it was embraced, it was grasped as the proverbial straw which could prevent the continued drowning of limited English proficient children in the dark waters of our elementary and secondary schools. The existing situation using the traditional all English approach, which is now being widely recommended as a new "alternative," was so bad that anything different was worth trying.

Rationale for Bilingual Education

The original concept of utilizing a child's native language for instructional purposes while English was being learned as a second language was based primarily on the need for continued learning as the child moved from one language to another. Limited familiarity with the new language made it tenuous to attempt to develop reading skills without assurance that a sufficient mastery of the new language enabled the child to understand what was being read. The same was true in the acquisition of mathematical concepts and learning in the various content fields.

The advent of bilingual programs with native language instruction indicated to the language minority child a new sense of acceptance. The school appeared to be saying, "I accept your language, therefore I accept you. I accept your language, I accept your heritage, your culture, your family, your ethnicity."

A second consideration was the need to diminish the alienation which children frequently faced when pushed into an unfamiliar language situation. Not only will use of the native language lessen the trauma of language transition, but the use of the native language does much to develop or maintain a positive concept of self. The advent of bilingual programs with native language instruction indicated to the language minority child a new sense of acceptance. The school appeared to be saying, "I accept your language, therefore I accept you. I accept your language, I accept your heritage, your culture, your family, your ethnicity." In contrast to previous school experiences, the language minority child received a feeling of acceptance, worth, and self-esteem seldom experienced before.

I have seen several recent newspaper items which state that a positive self-concept should be the outcome of successful learning. In reality there is a cyclic relationship

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between input and outcome. A negative self-concept is detrimental to learning, which in turn strengthens the negative concept, etc. This produces a cumulative deficit phenomenon which leads children caught in this cycle to do worse and worse in school. On the other hand, a positive concept of self contributes to successful performance which leads to an improved self-concept and more successful performance.

There is a third reason for the use of a native language in bilingual programs that received little recognition in the past, but now looms as the most important consideration. The use of language is imperative to the intellectual development of the child. The extent to which a person develops an intellectual capacity is very much dependent on the extent of language acquisition and utilization. This is not the same as the amount which an individual learns, but rather the amount of capability for learning which is developed.

Bruce Gaarder, an early advocate of bilingual education in the middle sixties, used an effective analogy to illustrate this point. He compared the use of language to a window through which a person interacts with the environment. The interaction with the environment through this "window" of language provides the experiences which produce learning. The bigger the window, the wider the panorama with which the child interacts; conversely, the smaller the window, the smaller the panorama. Gaarder then proceeded to compare submersion into an all-English curriculum to the closing of the window, eliminating the interaction of the child with the environment, therefore precluding any learning. Gaarder would relate the minority language to a blue window, and the English language to a rose window. The language minority child who had used the blue window for communicating with the environment would be placed in a closed room and would be told, "From now on you may no longer use this blue window. You will learn to use the rose window in communicating with your environment." Thereupon the blue window would be covered, and the child would stare at a blank wall. Occasionally a child would say, "I don't see any rose window," and the school would respond, "That's because we haven't built it yet, but keep looking at the blank wall, and we will eventually place a rose window there." Staring at a blank wall does little to develop any learning, or the capacity for learning. Bilingual programs allow for continued learning as well as the continued increase in the capacity for learning as the transition to a new language is being made.

Importance of Native Language Utilization

For some undetermined reasons, commentators on the education of language minority children frequently appear obsessed with the concept of immediate transition to an all-English language curriculum. Though the school should be concerned with the immediate and extensive development of English language usage, there are dangers in discontinuing the use of the native language too soon.

One hears educators and laypersons recommending that the school should discontinue the utilization of the native language as soon as the child has a basic understanding of English. The danger in this practice is that a basic understanding of English is frequently determined by measures of the child's ability to communicate in social situations, which is far from the level of language utilization needed for learning activities.

The use of the native language does not preclude the learning of English; on the contrary, research shows that it enhances it.

A Hispanic member of the Texas University Coordinating Board expressed opposition to bilingual education on the basis that it can become a crutch for Hispanic children. Well, crutches are very useful implements when there is a need for them. Crutches can provide support until such time as the body overcomes trauma and can function without them. It is true that the use of crutches can be overextended beyond the time of need, but if one were to err in determining the time of need, most orthopedic specialists would likely prefer that the error be in favor of overuse rather than underuse. The same is true for native language utilization.

The use of the native language does not preclude the learning of English; on the contrary, research shows that it enhances it. Therefore, rather than risk premature restriction of native language usage and the accompanying loss of language and communication capability, I would recommend continuation of native language utilization until there is complete assurance of sufficient English language mastery.

Each person at any point in time has a quantity of language which has been acquired over the years. This quantity of language has a close and cyclic relationship with intellect. People with high intelligence have a large language capacity; people with large language capacity develop high intelligence. A small portion of this language is rather superficial; that is, it is apparent, readily available, and commonly used in everyday social situations such as, "I am fine, thank you. How are you?" Each person also has a much larger quantity of language which is more sophisticated, technical, and not commonly used in social situations. The relationship between the two "types" of language has been described as analagous to an iceberg where only the tip can be seen above the water, leaving the larger bulk well-hidden below the water line.

Failure to allow sufficient language development before transition will result in the child being unable to cope with anything but the most shallow levels of learning and will impact on the future capability for learning.

In learning situations the learner continuously uses language for discovery. In fact, the individual's entire language capacity may be utilized in a learning situation. Determining language development and the capacity for its use in learning on the basis of a working command of the superficial social aspects of language may be detrimental to the learner. The ability to communicate in a

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social situation, such as "I am fine, thank you. How are you?", does not guarantee the existence of the sophisticated, technical language necessary for coping with the learning situation.

Educators believe that at least six years of language development are desirable to allow children to acquire a minimal language reservoir before starting the learning of basic skills in the first grade. Research shows that language minority children may require several years in building the same minimal language reservoir before being able to cope with an all-English language curriculum. Failure to allow sufficient language development before transition will result in the child being unable to cope with anything but the most shallow levels of learning and will impact on the future capability for learning.

One of the most impressive movies I have ever seen is *The Miracle Worker*. It is the story of Helen Keller's early life and her tutor's attempts to teach her the concept of language. Having a total loss of sight and hearing, Helen Keller is living an animal-like existence, not even cognizant of the existence of language with which she can communicate with her outer world. The climax of the movie occurs when she realizes that the hand movements and spellings which her tutor has been trying to teach her constitute language, a method of interpersonal communication. In that scene we see Helen Keller leave her minimally human existence by acquiring the power of language and her transition into an eager and voracious learner.

The placement of a language minority child in an all-English curriculum before sufficient English language mastery is like running *The Miracle Worker* in reverse. We take an eager and voracious learner and remove the power of language, thereby sentencing the child to an animal-like existence until such time as the child acquires sufficient fluency in a different language.

As educators discover more and more about the role of language in the intellectual development of children, the rationale of bilingual education becomes stronger and stronger. Not only can we prevent academic retardation and negative self-concepts through the use of native language instruction, the whole future capability for learning can be effectively enhanced.

The emerging science of language development substantiates this contention. As educators discover more and more about the role of language in the intellectual development of children, the rationale of bilingual education becomes stronger and stronger. Not only can we prevent academic retardation and negative self-concepts through the use of native language instruction, the whole future capability for learning can be effectively enhanced.

If the pedagogical evidence is so overwhelming, why is it that there appears to be so much opposition to bilingual education and the use of the native language in such programs? The answer to this question cannot and does not rest in pedagogy. Without exception, all experts in language development and second language acquisition concur regarding the advantages of native language utilization. The reason must lie elsewhere.

Criticisms of Bilingual Education

After reviewing scores of criticisms on the use of native language in bilingual education programs, I concluded that these criticisms generally fell into one or more of three areas, in that they were either of an emotional, misinformational, or attitudinal nature.

As stated previously, much of the criticism of bilingual programs stems from negative emotional reactions elicited by the concept of using a language other than English for instructional programs in American schools. Reactions range from the affirmative ethnicity of Noel Epstein to the religious objection of Ma Ferguson, "If English was good enough for Jesus Christ, it ought to be good enough for the children of Texas." Unfortunately, there is little that can be done to diffuse these strong emotional reactions. Because the source of the irritation is not rational but rather emotional, rational argument does little good. If a true-blue American patriot feels it is un-American to speak a language other than English, there is little ground for argument. When I ask the question, "Which is less patriotic, to allow a child to develop his intellect using a language other then English or to allow a child to grow up deficient in all language and reasoning skills because of an English language limitation needlessly imposed?" the common response has been to perpetuate the limitation. It is no small wonder that so much of the implementation of bilingual education programs has come about as a result of equal protection litigation and civil rights legislation rather than public support.

It is interesting to note that public school educators have not been exempt from leaning on emotional responses. The preservation of sacred cows has frequently taken precedence over the need for instructional reform.

Throughout the criticisms of bilingual education one hears the insinuation that advocates of the system are persons who have a vested interest in bilingualism and who stand to gain financially or professionally through their involvement in bilingual education programs. This is not so. Practitioners in bilingual education have additional training in the area, but perform in positions which are comparable to traditional instructional approaches. The leadership in bilingual education achieved their leadership positions in traditional programs. If bilingual education advocacy has had an impact on financial or professional status, I would speculate that the impact has been negative.

. . . articles dealing with bilingual education tend to be short, uninformative, and downgraded. On the other hand, criticisms of bilingual education are considered controversial, interesting, and given top coverage.

If negative emotional responses are the main source of criticisms of bilingual programs, then misinformation

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must rank a close second. In a recent newspaper article critical of bilingual education almost every other sentence had erroneous information in it. Though it is tempting to conclude that advocates of bilingual education have not done a good job of defining and describing this educational methodology, the fault goes much deeper. The public media has consistently failed to give extensive coverage to what they perceive as educational material and therefore not very newsworthy. As a result, articles dealing with bilingual education tend to be short, uninformative, and downgraded. On the other hand, criticisms of bilingual education are considered controversial, interesting, and given top coverage. An article on the shortcomings of bilingual education received converage in the media, including front page headlines in several prominent newspapers. Subsequent articles on the scandalous methodology used in the study which produced the original article received little or no coverage. If reported in the printed media, it was usually found in the back pages close to the classified ads.

Additionally, much of the misinformation which surfaces about bilingual education is the creation of emotionally responsive critics. It is not unusual for an article criticizing bilingual education to state or imply that native language is being used in lieu of English language acquisition. This is simply not so. An emotional writer in the *San Antonio Light* states, "In many instances, according to reliable published reports, their teachers (of limited English proficient children) are more dedicated to teaching them the correct and literary form of their native language than teaching them English." Again, this is not so. I have observed bilingual classrooms in at least twenty different states, and I have never seen teachers neglect the teaching of English language in bilingual programs. Furthermore, I have reviewed hundreds of reports on bilingual programs from school districts, state education agencies, federal agencies, the Department of Education, etc. and have never seen a report, let alone a reliable report of the practice described in the article. I challenge the author to show me one (just one) report which shows one case (just one case) in which a bilingual education teacher was found dedicating more time to the correct and literary form of the native language than to the instruction of English as a second language.

The emotional responses to bilingual education sometimes get so intense that they defy all reason. For example, on two occasions I have read articles in which the writers object to the use of the phrase "English as a second language." The argument presented in both cases is that English is the greatest language on earth and therefore second to none. How does one argue with such an individual that the word "second" refers to a chronological order, and that in the case of a native speaker of a language other than English, English will always follow the native language chronologically.

It appears that some people are saying that a basic command of the English language is sufficient and should be the desired educational outcome for language minority children.

The third area of criticism of bilingual education is a difficult subject to deal with. As our country has already entered and exited the era of civil rights and equal educational opportunity and the word "racist" has been abandoned as no longer an "in word," one is limited in what can be said about certain attitudes toward language minority children. However, it seems obvious that when one argues about the pedagogical rationale of bilingual education and the need for native language instruction to prevent educational retardation, to enhance self-concept as a prerequisite of learning, and the need for existing language utilization to continue cognitive development, there are some hard-core opponents whose opposition is neither emotional nor pedagogical. This opposition is based on past discriminatory attitudes about the place of racial and ethnic minorities and the belief held by some that equal educational opportunity is not desirable.

It appears that some people are saying that a basic command of the English language is sufficient and should be the desired educational outcome for language minority children. They agree that it is well and good to afford these children an English as a second language program which allows them to develop sufficient language and intellectual skills to understand and follow basic instructions, allows them to earn a decent living, and prevents them from becoming a social liability. But do not go so far as to develop language and intellectual skills to the point that it disrupts the social order. First thing you know their children will be competing with our children for admission to medical schools, they will be wanting political offices, and they will be wanting managerial and supervisory positions. This attitude was manifested by the reaction of some community leaders to the introduction of Title I Migrant Education programs in the 1960s. Their viewpoint was expressed as, "If you give them so much education, they won't want to pick crops for a living."

Educators frequently express parallel negative attitudes about language minority children. For the past five years, the strongest controversy about bilingual education has been the determination of what constitutes acceptable performance for removal from a native language support program.

A recent newspaper item critical of bilingual education also exemplified this attitude. The writer had visited a high school class made up of Asian immigrant children and observed that without native language instruction the students appeared to be doing fine. She stated that they had a basic understanding of the English language and could communicate with each other in simple English. It seems to me that high school students are not supposed to be communicating with each other in simple English. They are supposed to be communicating about algebra, geometry, physics, and social studies. They are supposed to be reaching near adult levels of cognition, affective development, and aesthetic appreciation.

Educators frequently express parallel negative

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attitudes about language minority children. For the past five years, the strongest controversy about bilingual education has been the determination of what constitutes acceptable performance for removal from a native language support program. Though the 50th percentile on standardized tests is considered average performance for English speaking children, the state education agency was adamant on lowering the acceptable level of performance for language minority children from the 40th percentile to the 23rd percentile. The 23rd percentile is close to the score a person can make on a standardized test by guessing at the answers without even looking at the questions. With such low racist levels of expectancy, it is amazing that minority children perform as well as they do.

So much of the criticism of bilingual education comes from emotional responses, misinformation, and racist attitudes, that one must make a conscious effort to look at criticism objectively.

So much of the criticism of bilingual education comes from emotional responses, misinformation, and racist attitudes, that one must make a conscious effort to look at criticism objectively. It is dangerous to formulate an immediate reaction without a constraining question, "Is the critic emotional, ignorant, or racist?" Yet the vast majority of criticism does fall into one or more of these basic classifications.

I see bilingual education as the best approach for teaching the English language without academic retardation, with the minimum development of negative concepts of self, and with the maximum development of the intellectual potential of the individual.

The Efficacy of Bilingual Education

In spite of all the criticism being heard about bilingual education programs and the use of native language instruction for language minority children, I continue to be a strong advocate of this methodology. I see bilingual education as the best approach for teaching the English language without academic retardation, with the minimum development of negative concepts of self, and with the maximum development of the intellectual potential of the individual. In my 34 years as a professional educator working with language minority children, I have not found a better alternative. I will look into alternative approaches, although I see the current push for experimental alternative programs as more of an attempt to establish loopholes for complying with current law and regulations rather than serious educational experimentation. Certainly current efforts to provide an alternative which consists of the traumatic and disastrous programs of the pre-bilingual era have not been, can not be, and will not be acceptable to me. Bilingual education with native language instruction still appears the best option for children with limited English proficiency.

Hispanic Field Service Program Evaluated as a Success

by David C. Ramirez, Ph.D.

In 1980, the U.S. Department of Housing and Urban Development (HUD) released a request for proposals for a national project designed to increase the number of Hispanics in local government. The University of Colorado (UCD) submitted a proposal and was awarded the contract. The UCD proposal outlined a national program that would transcend the primary goal of increasing the numbers of Hispanics in government positions. It was envisioned that the funded project would serve as a catalyst in the establishment of a stronger partnership between universities, local governments, and Hispanic communities. Indeed, it was this latter goal which set the National Hispanic Field Service Program (NHFSP) apart from simply being a fellowship program that disbursed available finds to students. The establishment of this triangular partnership between universities, local government, and the Hispanic community was seen as the mechanism for ensuring the project's life and impact after funding terminated. Orignial federal funding for the project was set at 2.5 million dollars, but national budget cutbacks reduced this figure to $1,975,000.

In order to establish the project, UCD solicited proposals for participation from 340 colleges and universities. Thirty-four proposals were considered by a national review panel, and ten, including the University of Colorado at Denver, were selected for participation. Three of the universities selected (Trinity University, St. Mary's University, and the University of Texas at San Antonio) formed the San Antonio-South Texas Cooperative, while three others (University of Southern California, University of California at Riverside, and California State University at Los Angeles) formed the Greater Los Angeles Consortium. Other participating universities included Florida International, Hunter College in New York City, the University of New Mexico, and Arizona State Universtiy. During a second request for proposals, Golden State University at San Francisco and California State at Hayward (which formed the Northern California Consortium), and the Univesity of Hartford were also selected as participants.

As noted earlier, the project was designed to establish a strong relationship between universities, local government, and the Hispanic community. The linkage between the universities and local government was to be established: 1) through the internship program designed to place university fellows in local government positions, and 2) through the participation of local government representatives on the NHFSP Local Advisory Committees. In this manner a cross-fertilization of talent could occur between the university fellows and their mentors in the field (i.e., local government public administrators that served as either field placement supervisors or Local Advisory Council members). The linkage between the university and the Hispanic community would be formed

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WASHINGTON ALERT

Leadership Foundation, Inc.® 7945 MacArthur Blvd., Suite 201, Cabin John, MD 20818 Vol. 2, No. 9, March 1984

Senate Gets Language Bill

Senator Walter D. Huddleston (D-KY) wants Congress to make English the official language of the United States. He has introduced a resolution (SJ Res. 167), an amendment to the Constitution which reads as follows:

SECTION I

The English language shall be the official language of the United States.

SECTION II

The Congress shall have the power to enforce this article through appropriate legislation.

Other sponsores include Senators Burdick (D-ND), Randolph (D-WV), Symms (R-ID), and Zorinsky (D-NE). Rep. Shumway (R-CA) has introduced a companion piece of legislation in the House of Representatives (HJ Res. 163).

The Legislation would establish English as the official language for all levels of government. Senator Huddleston has stated that the decline of English as the common language of the United States "threatens our historic ability to assimilate vast numbers of people from many different cultures and ethnic groups into a nation that can work together with cooperation and understanding."

English Language Threatened In the United States

Americans who assume that English is the language of the United States should pay attention to some ominous signs of the times. In many areas of downtown Miami, you cannot shop without speaking Spanish. Thirty-two states give driver's license exams in more than one language. Michigan administers the driver's license test in 18 languages! In over 30 states, Federal law mandates voting ballots be printed in any language spoken by over five percent of the citizens of that state, even if there is no demand for those ballots. Finally, according to the Department of Education, about 26 million people in the United States (one out of every eight people) are relying on languages other than English to communicate in their homes and in their workplaces.

DECLINE OF ENGLISH

In the United States today, we are witnessing the decline of English as the common language. This is happening because of the millions of immigrants entering this country who do not speak English, who do not want to learn English, and who have no intention of entering the mainstream of American society and culture.

Since 1951, over 15 million immigrants have been legally admitted into the United States. There are also as many as 12 million *illegal* aliens who have invaded our nation. Right now 500,000 aliens are entering the U.S. *illegally* each year and the numbers are increasing. With the total population of the United States nearing the 230 million mark, it becomes obvious that the number of immigrants represents a significant proportion of our national population.

A DANGEROUS TREND

The problem is that many of these new immigrants are not learning English. There are some 10 million people in the U.S. who converse only in Spanish! Experts on population predict that by the year 2030, Hispanics will constitute a majority of the population for the first time in California. Can you imagine the repercussions if California should choose to declare Spanish as the official language of that state? One need ony to look

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"An informed public makes for a strong Republic."

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English Language Threatened In the United States

to our neighbor in the north, Canada, to see the turmoil created by the lack of a common language and culture. The isolation of French Quebec from the rest of English Canada has fueled an ongoing political crisis with Quebec nearly seceding from the rest of Canada. Could the United States afford to lose California or Texas or Florida?

Learning a new language is a difficult task. In years past, new arrivals in our country were forced to learn English in order to survive. These people had to learn. They had no time to waste. The success of many of these immigrants is legend today. In this year 1984, immigrants can shop, work and vote without having to learn English. Also, the availability of foreign language newspapers and foreign language programs on radio and television, covering a full range of news and entertainment, discourages the learning of English.

As incredible as it may seem, our own government is involved in weakening the role of English in our society. The Federal government no longer requires immigrants to learn English in order to become a voting citizen.

> **"We have room for but one language here, and that is the English language, for we intend to see that the crucible turns our people out as Americans and not as dwellers in a polyglot boarding hours."**
>
> *Theodore Roosevelt*

The decline of English as the common language of the United States poses both a short-term and long-term problem for our country. Today we have people driving on our highways who can't read the signs. More importantly, how can a citizen vote responsibly in an election when he doesn't comprehend the pros and cons of the issues or candidates' statements because he can't read English?

Over the long term, the decline of English threatens to unravel the social fabric of our country. The English language is a crucial part of our American culture and heritage. A common language is part of what makes the United States united. By allowing distinct ethnic subgroups with their own language and culture to develop within the United States, we undermine our national unity and strength. If you are concerned about this problem, write your Congressman and Senators and ask them to support SJ Res. 167 in the Senate and HJ Res. 169 in the House. This amendment to the Constitution would make English the official language of the United States.

Saturday, April 7, 1984 / THE SAN ANTONIO LIGHT

Bilingual group told of need

League of United Latin American Citizens President Mario Obledo yesterday called for increased congressional funding for bilingual education to ensure that "all students can reach their full learning potential."

Bilingual education is essential to help students with limited English proficiency learn the language well and go on "to become full productive citizens of this country," Obledo said.

Obledo made his remarks to a crowd of about 600 teachers, administrators and business representatives at a general session of the 13th annual International Bilingual Education Conference at the Marriott Hotel.

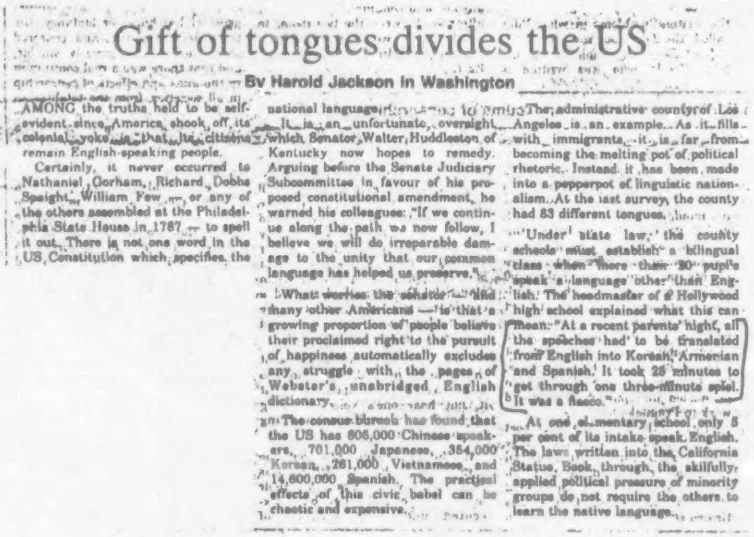
Texas Attorney General Jim Mattox also spoke to the crowd, drawing a rousing applause when he said he was in full support of bilingual education.

"I believe in it. I've seen it work," Mattox said. "We have between 300,000 to 500,000 children in Texas with limited English proficiency. It costs us about $17,000 annually to keep an inmate in our prison system.

"I am convinced, from my perspective, that it is far wiser to invest in a bilingual program."

Today's session includes an 11 a.m. keynote address by Jessie Soriano, director of the Office of Bilingual Education of the U.S. Department of Education at the Henry B. Gonzalez Convention Center.

In his address, Obledo said, "We have not progressed very far over the years, but we need to try and find out what has worked, where we failed and what we need to do."



Gift of tongues divides the US

By Harold Jackson in Washington

AMONG the truths held to be self-evident since America shook off its colonial yoke is that its citizens remain English-speaking people.

Certainly, it never occurred to Nathaniel Gorham, Richard Dobbs Speight, William Few — or any of the others assembled at the Philadelphia State House in 1787 — to spell it out. There is not one word in the US Constitution which specifies the national language.

It is an unfortunate oversight which Senator Walter Huddleston of Kentucky now hopes to remedy. Arguing before the Senate Judiciary Subcommittee in favour of his proposed constitutional amendment, he warned his colleagues: "If we continue along the path we now follow, I believe we will do irreparable damage to the unity that our common language has helped us preserve."

What worries the senator — and many other Americans — is that a growing proportion of people believe their proclaimed right to the pursuit of happiness automatically excludes any struggle with the pages of Webster's unabridged English dictionary.

The census bureau has found that the US has 806,000 Chinese speakers, 701,000 Japanese, 354,000 Korean, 261,000 Vietnamese, and 14,600,000 Spanish. The practical effects of this civic babel can be chaotic and expensive.

The administrative county of Los Angeles is an example. As it fills with immigrants, it is far from becoming the melting pot of political rhetoric. Instead it has been made into a pepperpot of linguistic nationalism. At the last survey, the county had 83 different tongues.

Under state law, the county schools must establish a bilingual class when more than 20 pupils speak a language other than English. The headmaster of a Hollywood high school explained what this can mean: "At a recent parents' night, all the speeches had to be translated from English into Korean, Armenian and Spanish. It took 25 minutes to get through one three-minute spiel. It was a fiasco."

At one elementary school only 5 per cent of its intake speak English. The laws written into the California Statue Book, through the skilfully applied political pressure of minority groups do not require the others to learn the native language.

Manchester Guardian Weekly June 24, 1984

"Making English our 'official' language: two views"
The Fort Lauderdale News/Sun-Sentinel
Outlook/Section F/ Sunday 29 July 1984/pages 1 and 2

This effort will ostracize Hispanics and other language minorities.

By Arnoldo Sanchez Torres

The constitutional amendment legislation calling for English as the official language of the United States raises one fundamental question that has not been answered by its proponents: Why is such a measure necessary?

Advocates of this initiative would have you believe there is a clandestine movement to make Spanish the nation's official language. They would also have you believe that 45 percent of the Hispanic community only speaks Spanish. Not only is that inaccurate, it is untrue. Even more disappointing and destructive is that the measure's proponents have and will continue to attempt to persuade the American people to support this effort by appealing to their fear of foreigners and by preaching ethnocentrism.

Recent Census Bureau data show, in a review of the ten cities with the largest Hispanic populations, that 77.7 percent of their Hispanic community speaks English at home. The data further show that Hispanics 18 years and older have the greatest dependency on Spanish.

If proponents of the measure are truly concerned about the English language, why not provide more bilingual opportunities? Bilingual education provides the transition for non- and limited-English-speaking children to learn the English language. If proponents were committed to ensuring that the limited-English-speaking population learn the English language, why not propose constructive initiatives such as subsidizing English language classes for those who need and want to learn English.

Yet, it is suggested that a constitutional amendment would prevent the U.S. from being divided like our neighbor to the north, Canada, which has been torn apart and threatened by secession. Much that has been said about Canada is misleading; a review of that nation's history will show that its divisions run deeper than just language.

Further, any insinuation that Hispanics would attempt to secede from the United States is an insult to the men and women who have fought and died in defense of this country. It is interesting that from the American Revolution to Beirut, Hispanics have answered America's call to protect its shores. Let us not forget that in 1917, Puerto Ricans were granted citizenship in time to fight World War I, and did so with honor.

It is inconceivable to us that a group of people who would be willing to make the ultimate sacrifice for a country would be willing to separate itself from it.

In considering this initiative, it must be understood that this is not the 13th Amendment ending slavery. This is not the 14th Amendment calling for equal protection laws. This is not the 15th Amendment ending racial discrimination or the 19th Amendment allowing women to vote. Nor is this the Equal Rights Amendment. It is our opinion that this is nothing but a frivolous attempt to amend the Constitution and a backhanded attempt to further ostracize Hispanics and other language minorities from fully participating in society in the same way that Jim Crow laws ostracized blacks.

What must be done? Americans must sensitize themselves to the realities that exist within the Hispanic community. Our desires are no different from those of earlier immigrants: We want to become full partners in a society we have contributed to and have died for in defense of Democratic ideals.

This constitutional amendment is antithetical to President Reagan's free market principles of developing appropriate conduct through financial incentives. Specifically, it is obvious to most Hispanics that the best and, in most cases, the only way to realize the American dream is to learn English. Consequently, the greater the upward mobility potential for Hispanics, the more likely that we will learn English quickly.

Instead of an unworkable, expensive and counterproductive constitutional amendment to mandate individual behavior, the proponents of this measure would be better advised to develop an effective jobs program, and to create and improve educational opportunities.

NCLR

National Council of La Raza
Office of Public Information
Contact: Lori S. Orum
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Noticiero News Release

FOR IMMEDIATE RELEASE June 12, 1984

ENGLISH-ONLY AMENDMENTS: ARE THEY NECESSARY?

-- Raul Yzaguirre, President
National Council of La Raza

The Senate is conducting hearings today on a proposed constitutional amendment to make English the official language of the United States. On first glance such an amendment does not seem particularly controversial or significant. English is the language of commerce and government in the United States. Certainly we are known as an English-speaking nation. In fact, it probably comes as a surprise to most Americans that the United States has no official language.

The English language is in no danger of disappearing. The vast majority of Americans are solidly, perhaps unwisely, monolingual English speakers. English continues to be the unchallenged language of business and public life. Proficiency in English continues to be a requirement for new citizens. English is, de facto, our common language. Therefore, what could the proposed constitutional amendment possibly accomplish?

In fact, this is not an inoffensive and innocent proposal; the civil rights implications are tremendous. Its supporters claim that it would end the right to ballots in non-English languages and restrict support for educational approaches which utilize non-English languages. Thus, what this amendment could accomplish is the disenfranchisement of significant numbers of Hispanic citizens, the end of court interpreters for non-English proficient persons, and the elimination of support for bilingual education in our schools.

As supporters of the Equal Rights Amendment have discovered, amending the Constitution is a long and sometimes unpredictable process, so it is possible that this amendment will never be enacted. However, the amendment is not the only manifestation of "English-only" sentiment; for example, there are bills pending in Congress specifically designed to repeal the bilingual provisions in the Voting Rights Act, and residents of San Francisco last fall passed Proposition O, requesting this repeal. Indiana recently adopted English as its official state language, joining Kentucky, Nebraska, Illinois, and Virginia which have passed similar laws.

The California Committee for Ballots in English has announced that it has over half the signatures needed to place an initiative on English-only ballots for the November ballot in California.

Such attempts to disenfranchise Hispanic and other language-minority citizens are reprehensible. The bilingual provisions to the Voting Rights Act were added in 1979 to enable language-minority citizens to exercise their constitutional right to vote. Bilingual ballots are required only in places where more than five percent of the citizens of voting age are members of a specified language minority group, and where the illiteracy rate is higher than the national rate. The law affects 505 counties in 30 states and targets only Spanish, Native American and Asian-Pacific languages. Voting materials in Spanish are important for Puerto Ricans, citizens by birth, who are eligible to vote in U.S. elections upon the establishment of residency in the continental United States. Bilingual ballots are also important for Hispanics born and raised in the United States who, because of historic denial of equal educational opportunity, are not fully proficient in English. Bilingual ballots do not affect the requirements that newly naturalized American citizens be proficient in English.

seriously endangered by large numbers of new language-minority immigrants, that bilingual ballots cost too much and are resented by earlier immigrants, and that they dissolve the traditional bond between citizenship and English. In fact, the proportion of foreign-born citizens in the United States is dramatically lower now than at any previous point in our history; foreign-born individuals comprise only 4% of the total population today, compared with 12% in 1900. Moreover, civil rights are not determined by popularity polls or cost estimates, but rather by our Constitution and statutes.

I suspect that what is really behind these measures is fear of the growing Hispanic population in the United States and uneasiness at the numbers of Hispanic voters. Some people also confuse bilingualism with being unable to speak English. Earlier this year Sen. Walter Huddleston (D-KY), a Senate sponsor of the proposed constitutional amendment, held a press conference at which he presented "evidence of growing bilingualism," as if bilingualism were a contagious disease. Bilingual people, by definition, speak two languages (one of them English in this case).

How anyone could object to bilingualism is beyond me. Hispanics do not dispute the fact that full proficiency in English is the key to full participation in American life. Hispanics differ from other citizens and immigrant groups not because we don't want to speak English, but rather because most of us also value

— and want our children to retain — the ability to speak Spanish. Our bilingualism doesn't make us any less American than other citizens.

Logic and fact are not the strong suit of many of the proponents of these English-only measures. Some of these groups also decry the existence of celebrations such as Hispanic Heritage Week, and imply that the existence of Spanish lottery tickets in New York is evidence of creeping bilingualism. These objections do not focus solely on Hispanics; they also oppose Jewish Heritage Week, Black History Month, and Asian Pacific-American Heritage Week.

In conclusion, this proposed amendment is unnecessary. Worse, it may serve to disenfranchise Hispanic citizens, restrict Hispanic access to understandable instruction in our schools, and deny due process to limited English-proficient persons in the courts. Congress should commit itself to examining the civil rights implications of English-only proposals. This is not an innocent issue, and members of Congress should think very carefully about enacting legislation which will violate the civil rights of their constituents.

(The National Council of La Raza is a private, nonprofit, nonpartisan Hispanic technical assistance and civil rights organization with a network of nearly 100 affiliated community-based organizations located in 19 states, Puerto Rico and the District of Columbia.)

National Council of La Raza 20 F Street, N.W. Washington, D.C. 20001 (202) 628-9600

[From Los Angeles Times, August 14, 1984]

Bilingualism Policies Nettle Asian-Pacifics Here

14 Aug 84 p.5
LA Times part II

By MICHAEL F. ENG

The Los Angeles County Board of Supervisors' recent vote to return to "English only" ballots for general elections (ostensibly to save $300,000) came hot on the heels of its parent, Proposition 38, which recently qualified for a statewide vote in November. If passed, it would require the governor to press Washington for elimination of all bilingual ballots, voter-registration pamphlets and official voting materials, which the federal government now requires in some jurisdictions.

Both actions appear to have outraged Latino leaders, whose voter-registration drives are highly regarded as the ticket for that community to enter the political mainstream. But what is the effect on Asian-Pacific Americans, whose growing numbers make them the "sleeping giant" of politics, potentially rivaling Latinos in terms of sheer numerical increase.

Consider: With a whopping 146% increase, Asian-Pacifics were the fastest-growing segment of the U.S. population in the decade after 1970; by county, Los Angeles has the largest number. According to one projection, 10% of California will be Asian-Pacific by the year 2000.

Historically, Asian-Pacifics have not been as politically influential as some ethnic minorities, but they are fast learning the ropes. In 1980 they made their presence known with their wallets, providing 15% of the total contributions to Jimmy Carter's reelection bid in California, while constituting only 5% of its population. In 1984 their presence also may be more clearly seen on precinct returns, for this year thousands of Asian-Pacifics in Los Angeles County alone—Korean, Chinese, Japanese, Filipino, Indian, Vietnamese, Samoan, Guamanian—will be registered to vote for the first time. In 1980 only a handful of delegates to the Democratic convention were Asian-Pacific. This year 103 went to San Francisco, where for the first time Asian-Pacifics were a fully recognized caucus of the Democratic Party, a status previously reserved for blacks, Latinos, women and labor. Next week the newly organized Asian Republican National Assn. expects to have an effect in Dallas.

Being so diverse, the Asian-Pacific community probably has a mixed reaction to "English-only" legislation. Some, like former Sen. S. I. Hayakawa (the father of Proposition 38), may sincerely believe that bilingual ballots only provide a disincentive to learning English. But the majority might well view such propositions as a threat to a fragile yet promising experiment to gain new-found political strength commensurate with growing numbers; many hoped to see bilingual ballots extended to some Asian-speaking communities here, as they have been in San Francisco. And some no doubt feel that the Board of Supervisors' action was racist. What is clear is that Asian-Pacific Americans are confused by mixed signals from our society and government.

Bilingualism appears to be encouraged in matters of public safety. Los Angeles police recruits must undergo Spanish-language instruction so that they can be effective in emergency situations. No one complains about that cost.

Bilingualism is recognized in Los Angeles' schools, where the prize recruit these days is a bilingual instructor. Such teachers are paid extra, and only the worst cynics decry the cost.

Bilingualism is entrenched in the marketplace. Consider the "Spanish Yellow Pages," to debut soon as a part of Pacific Telephone's campaign to reach the non-English-speaking consumer. Businesses do not appear to be boycotting the Latino and Asian dollar just because English is not behind it. "Se Habla Espanol" appears more frequently in ads touting new and used cars than does the seal of the Better Business Bureau. No legislation here. In fact, the city of Monterey Park recently enacted an ordinance that requires its Chinese-speaking merchants to put their streetside signs in English as well, apparently to encourage consumerism among non-Chinese-speaking customers.

Nor is there a campaign by lawyers and judges to eliminate the proviso found on all civil complaint papers in Los Angeles, which in Spanish cries out "Warning! You have been sued," and which goes on to advise the defendant to seek legal counsel.

No one would deny that Americans should learn more and better English—this is true even for those born in the United States, even for those with college degrees. The issue is whether special language assistance should be permitted to facilitate fundamental constitutional freedoms, which when exercised by naturalised citizens make America a better place to live for all people. If bilingualism already is permitted, even fostered, in Los Angeles' courtrooms, classrooms, police cars and shopping centers, it should certainly not be excluded from Los Angeles' voting booths.

The majority of Los Angeles' newest citizens are of Asian-Pacific descent—ironically, many of them refugees who fled their homelands hoping to live in a society that offers a more democratic, inclusive government process. For them, and for their Latino neighbors, the Board of Supervisors' recent action, combined with the prospect of Proposition 38's passage, will only sow the seeds of confusion, division and fear—elements that are out of place in a "world-class" community called Los Angeles.

Michael F. Eng is an attorney and co-chairman of the Asian Pacific American Voters' Coalition voter-registration drive.

Determined to make faith as difficult as possible, Kierkegaard preached the distance between the human being and God in order to thrust home the idea of God's unlikeness to the human, of his absolute and complete transcendence. God is the one before whom we are always in the wrong. Faith must be an immediacy, a leap of faith into the arms of God.

Kierkegaard said that in relation to the absolute there is only one tense: the present. The absolute has no existence for those who are not contemporary with it. Each of us must face Christ absolutely and contemporaneously, as his disciples did, and in this meeting we must complete the act of faith. That the eternal truth has come into existence in time is a paradox—not a puzzle to be solved, but something to be accepted in faith. The centuries since the death of Christ have contributed increasingly to doing away with Christianity. The vast and powerful apparatus of "Christendom" is a lie; it is swallowed up by its own unaccountability and irresponsibility.

Would any Lutheran have dared to make such statements at the historic Geneva gathering?

DOSTOEVSKY, TOO, had a vision of eternal life won only through self-denial. To the most attractive and to the strangest and the most terrifying of his literary creations the same gospel precept can be applied: "Whoever would save his life will lose it, and whoever loses his life for my sake will find it."

All the personalities created by the great Russian author are neither good nor bad, neither moral nor immoral, neither clever nor crass. They are only either humble or proud. For that reason not a single pre-eminent person can be found in all of Dostoevsky's novels. After a lifelong struggle, human beings find out at last that resurrection is the only answer to their lack of humility.

The question of the proud and the humble reaches its climax in the legend of the Grand Inquisitor, as told in *The Brothers Karamazov*. Christ's simple answer to the long and passionate monologue of the cardinal of Seville, the head of the Inquisition, is a kiss on his aged, bloodless lips. Complete silence, understanding everything and forgiving all, is Christ's final judgment on his persecutor.

Would any representative of the Orthodox churches have dared to address the papal company on the temptation of triumphalism and the collective pride of the Christian communion?

No—Pascal, Kierkegaard and Dostoevsky clearly would not have been good partners in the ecumenical dialogue. They would have confused, perhaps even shocked the advocates of Christian unity. Yet Orthodox, Roman Catholic and Protestant Christians need to hear and remind each other that the unity of the people of God is a qualitative unity because Christ is in agony for his church and humankind until the coming of the Kingdom; because we all need, our whole lives, to *become* Christians; and because we are all judged not according to the goodness of our hearts but by the degree of our pride. It is the ecumenical team of Pascal, Kierkegaard and Dostoevsky who can assist us to keep our ears sharp for formal language, pious abstractions and triumphalist phrases.

The three sons of Roman Catholicism, Protestantism and Orthodoxy had little time for updating their ecclesiology and little interest in promoting a sort of sacred communalism. Only our new humanity in Christ is all-embracing and touches each of us.

In *The Brothers Karamazov* the young Markel, the brother of Father Zossima, exclaims: "Everyone is responsible to all men for all men and for everything. Life is paradise, and we are all in paradise, but we won't see it; if we would, we should have heaven on earth the next day." I submit that is what church unity is about. If only the joint statement had said less about the wide range of current collaboration and more on the role of the Roman Catholic Church and the World Council of Churches as functions of human community until the Kingdom arrives.

A. J. van der Bent.

Charm and the English Language Amendment

ALONG WITH President Ronald Reagan, I'm convinced that American influence in the world has been in decline for some time now. But whereas the president attributes that decline chiefly to a weakness in armaments, I'm more inclined to find its cause in certain deficiencies in our culture.

The proposed English Language Amendment is the latest exhibit in support of my case. Sponsored by Senator Walter D. Huddleston (D., Ky.), the amendment to the U.S. Constitution would make English the official language of the United States. Among its leading backers is a lobbying group called "U.S. English," headed by S. I. Hayakawa, who recently testified in support of the amendment before the Senate judiciary subcommittee on the Constitution.

Now Hayakawa, in addition to being the former and very colorful U.S. senator from California, is also one of the world's most famous semanticists. Everything he has to say on the subject of language therefore ought to be listened to with respectful attention. But even Hayakawa nods, and I fear he fell sound asleep on this one.

I DON'T DISAGREE with the contention of Hayakawa and company that the United States has been fortunate in having something very close to linguistic uniformity throughout its history. Nor do I disagree that we ought to strive to maintain that uniformity in the future. Linguistic divisions are among the most profound and disruptive that can affect any modern society. (Premodern societies seem to have had a somewhat greater tolerance for them, religious division was what they couldn't handle.) Look at Canada. Look at the Walloons and Flemish in Belgium. Look at the Basques and, to a lesser degree, the Catalonians in Spain. Look at the linguistic minorities in France. Look at Yugoslavia. And, above all, look at the Soviet Union, where repressive centralism is not just a matter of Leninist ideology or czarist nostalgia; it's a matter of holding together an empire of incredible linguistic diversity which might otherwise fly to pieces.

I further agree with the scorn the proamendment folk heap on the concept of "biculturalism," which comes very close to being a contradiction in terms. Having a culture is not like having a suit of clothes or a pair of shoes. You can't put on one culture today and another tomorrow. Having a culture is more like having a personality. Certain kinds of schizophrenia aside, you can't have two of them at a time; you can't take off one and put another on as you shift from one activity or social setting to another in the course of the day.

(I concede that, although the concept of biculturalism borders on logical absurdity, the intention behind it is often admirable. Proponents want to ease the transition from another language to English, to spare the newcomer the public shame that has often been associated with the language of the immigrant, to preserve the new American's capacity to relate to the culture of his foreign forebears, etc. All this is fine. And to accomplish these goals, bilingualism—a thing quite different from biculturalism, though sometimes confused with it—may or may not be an effective tool, depending on how and with whom it is used. All the same, biculturalism is the pet project of anthropological ignoramuses.)

Having granted this much to Hayakawa and his friends, I nonetheless continue to believe that an English Language Amendment would be extremely unwise, both in itself and as a sign of even greater follies standing behind it. I won't press the objection that the United States hardly seems to be at the "crucial juncture" where Senator Huddleston imagines we stand, where "we can either continue down the same path we have walked for the past 200 years, using the melting-pot philosophy to forge a strong and united nation, or we can take the new path that leads in the direction of another Tower of Babel." Nor will I stress that the movement for the amendment is surrounded by a suspicious odor of anti-Hispanic prejudice. My real objection is that the amendment assumes that compulsion, not attraction, is the best way of spreading a language or a culture. It assumes that the model of effective missionary work is Charlemagne among the Saxons, not Paul among the gentiles.

THERE IS an obscure essay by Matthew Arnold written in the 1870s, titled "The Incompatibles," which might profitably be consulted in this context. Arnold contrasts the attachment Alsatian Germans feel for France with the hostility Irish Catholics feel for England. Why the success of France? Why the failure of England? Arnold's answer is that the civilization of France has sufficient sweetness and light to make it attractive to outsiders; the civilization of England, by contrast, is too narrow, rigid and unlovely to charm any but the English themselves. The Irish, for all their shortcomings, have too much soul to be taken in. Arnold held out the hope that if English civilization reformed itself, if it managed to get a healthy infusion of "culture" (in Arnold's special sense of that word), the Irish might give up their demand for home rule and come to live in fruitful harmony with their born-again English brothers and sisters. This hope, as the sequel demonstrated, was a vain one.

Arnold's analysis, I suggest, might be applied, *mutatis mutandis*, to the United States today. We stand to the Third World, especially to Latin America, in somewhat the same relation England stood to Ireland a century ago. Less developed countries don't love us; and despite our obvious merits and good intentions, they exhibit a perverse contempt for our paternal solicitude and an unnatural passion to go their independent ways. Eventually of course, they'll come around; it is unthinkable that they should not. But in the meantime we have the obligation to use ample force and a certain amount of fraud to protect them from their notoriously self-destructive impulses.

I won't go so far as to say that an absence of Arnold's "culture" is our critical deficiency, though it certainly wouldn't hurt if we had a little more of it. But if the Third World, especially Latin America, doesn't admire us as much as we'd like, or even as much as our interests as a great power dictate that they ought to, then perhaps there is something not fully admirable about our civilization at the moment. If we don't attract, maybe we're not attractive. While war, preparations for war, and veiled and open threats of war may be continuations of politics by other means, the possession of a charismatic civilization can be an equally effective instrument in achieving policy goals. To further our Third World policies—even more, to render ourselves capable of finding and choosing wise Third World policies—an examination of our cultural conscience is at least as much in order as an increase in defense spending.

Which brings us back to the English Language Amendment. If American culture possesses the magnetism it clearly had once upon a time, newcomers will be more than eager to master English. They won't have to be driven to it kicking and screaming. On the other hand, if that magnetism has been lost, all the English Language Amendments in the world won't help. Quite the contrary, they will hurt. For they give the signal that we've lost not only our cultural attractiveness but our very will to conquer through attraction.

It is, I suspect, no accident that this attempt—conceived especially with Latin American immigrants in mind—to make English prevail by compulsion, not attraction, should surface at a time when we have in Washington an administration which believes that it can make American political values prevail by compulsion, not attraction, in Latin America. The United States, I fear, is losing faith in its own charm.

David R. Carlin, Jr.

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AREA CODE 503
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June 13, 1984

Hon. Orrin G. Hatch, Chairman
Senate Judiciary Subcommittee
on the Constitution
United States Senate
Washington, D.C. 20510

Re: Proposed Constitutional amendment/statute to make English the official language of the United States

Dear Senator Hatch and Members of the Subcommittee:

The undersigned supports the principle of a statute or Constitutional amendment making English the official language of the United States.

If a Constitutional amendment is deemed inappropriate, then I respectfully urge:

(1) comprehensive amendment or repeal of federal statutes requiring or encouraging bilingualism

(2) enactment of a statute making English the official language of the United States

(3) enactment of statutes encouraging and funding efforts of immigrants, legal and otherwise, to obtain a working or fluent reading and speaking knowledge of English and familiarity with American law and customs, and

(4) enactment of statutes making a working reading and speaking knowledge of English a condition of federal employment and federally-funded project employment.

I request that the following enclosures be made part of the hearing record on the proposal for a Constitutional amendment to make English the official language of the United States:

(1) My Dec. 5, 1983 letter to The Oregonian, Portland, Oregon, accompanying a proposed (and rejected) article on the bilingualism issue

(2) My Dec. 13, 1983 article in The Hillsboro Argus, Hillsboro, Oregon, titled "Hispanics here should learn English language"

(3) Dec. 20, 1983 Hillsboro Argus article by Jose E. Solano in response to item (2) titled "Hispanics said eager to learn English," and

(4) My Dec. 29, 1984 letter to John Tyner, III, a Beaverton attorney and an active member of a Police-Hispanic Relations Committee.

There is much evidence that many Hispanic leaders reject the traditional concept that immigrants can keep their native language and culture, but must master a working reading and speaking knowledge of English and become familiar with American law and custom.

The Oregonian recently published an article that said in part that "Anglo" or non-Hispanic high school students in Florida must learn Spanish if they wish to do business with the Hispanic community after graduation. In other words: "We won't learn English but you must learn Spanish."

That attitude, unless changed or stemmed, will create grave problems in what is now the United States, e.g., parts of the United States will, in effect, become another nation.

It is respectfully submitted that Congress should take some effective action before we become two nations speaking two languages, to the detriment of everyone.

I request that I be placed on the mailing list to receive notice of future Subcommittee hearings on the issue.

Sincerely,

Henry Kane

encls.

cc: Hon. Walter D. Huddleston

Henry Kane,
Attorney at Law,
Beaverton, OR, December 5, 1983.

Forum Editor,
The Oregonian,
Portland, OR.

Dear Sir: The enclosed article is prompted by long interest in the two official language problem, starting with my experience as a child in French-speaking Montreal, Canada.

The last time I was in Montreal (to give a speech) the animosity caused in large part by the two official language requirement, was high.

The Oregonian and other articles I have read indicate that Hispanic leaders seek to make Spanish an official language. Demands that the police learn Spanish state in effect that Hispanics have the right to retain Spanish as their role language, compel police to learn Spanish, but that Hispanics have no duty to learn English.

The consequence would be the equivalent of the Canadian two-language problem.

To my knowledge, Hispanics are the first immigrant group to evidence such an attitude. It is fortunate that Germans, our largest immigrant group, did not so insist!

The Dec. 4, 1983 Ota-Enders article states that "the language barrier exists throughout Oregon's justice system."

True. But to a large extent the Hispanics, especially the illegal aliens, created the language barrier by not learning English. Certainly the Oregon legal system should not be blamed.

We have hundreds of thousands of American servicemen, their families and businessmen in West Germany. To my knowledge the U.S. has not insisted that German police learn American English.

I am sending a copy of this letter and enclosure to Alan Ota. Perhaps a subsequent article will reflect that I am in error. I would be most happy to be found to be in error.

And perhaps judges will ask a Spanish-speaking suspect: "What efforts have you made to learn the language, law and customs of the United States?"

A prisoner who says "nothing" is entitled to little, if any, sympathy because he cannot understand English.

Sincerely,

Henry Kane.

[From Hillsboro (OR) Argus, Dec. 13, 1983]

HISPANICS HERE SHOULD LEARN ENGLISH LANGUAGE

(By Henry Kane)

TO THE EDITOR: Recent Hispanic-police problem newspaper articles I have read implicitly assume that Hispanics have no duty to learn the language, laws and customs of the country in which they reside (legally or otherwise), the United States.

There is an attitude that only the police have any duty—to learn the language and customs of Hispanic immigrants.

Those views are bad public policy and are contrary to the aspirations and achievements of earlier generations of immigrants.

American history books commonly contain photographs of nineteenth-century immigrants studying English and American history to qualify for U.S. citizenship. I assume there are many equivalent classes in and for the Hispanic community, and would be surprised if they did not exist in large numbers.

But I do not read of "crash" and other courses to educate hispanic immigrants to learn English and American laws and customs. Nor have I read that Hispanic leaders place priority on preparing Hispanics to become flourishing citizens of Oregon by first learning to read, write and speak English.

The articles I have read over the years do not quote any Hispanic leader as stating that Hispanics have the same duty as earlier immigrants—to learn the language, law and customs of their new country. I would be happy to be corrected.

Instead, published reports reflect, accurately or otherwise, a view that Hispanics are entitled to benefits of American residence and citizenship without any obligation to learn the language culture of their adopted land.

Court interpreting is criticized, but nothing is said of the attempt, if any, of a prisoner to learn English to better protect his rights. This attitude results in demands that the police learn Spanish and places the blame on incidents exclusively on the police.

Such attitudes are harmful to Hispanics individually and as a community in the nation, and should be rejected.

Earlier generations of immigrants recognized that they had to learn our language, law and culture if they and their children were to prosper. Despite illiteracy or limited home-country education, to a large extent they did, and the United States, the immigrants and their children are the better for the achievement.

There are few, if any, nations the size and population of the United States with one official language understood by the vast majority of the inhabitants. Contrast the numerous languages of the Soviet Union and India.

One official language—English—unites and strengthens our nation of diverse population origins. English is a vast benefit we take for granted.

We should not abandon the benefits of one official language by recognizing Spanish as a language that police and other officials must know as a job requirement.

Recognizing Spanish as an "official" language would be divisive and harmful. Canada has two official languages—English for the majority and French for the minority. Insistence on French as an official language has proved divisive by setting Canadian against Canadian and threatens to dismember Canada.

The same ill-will, divisiveness and social friction caused by two official languages is noticeable in Miami. The large Cuban refugee community turned the city into a "Little Havana," complete with businesses conducted in Spanish.

Rightly or wrongly, many Miami residents consider themselves a threatened minority in their own, now partly Spanish-speaking city. News accounts indicate the recent Miami mayoral election pitted the black community against the "Cuban" community.

I observed the divisiveness of language as a child in Montreal, Canada, and as an adult visitor. A stranger will be spoken to only in French. He will be addressed in English only if he identifies himself as an American or other visitor who does not speak French.

Language differences in Quebec Province pit one Canadian against another on the irrelevant issue of language preference. The divisiveness has been carried to the extreme that English-speaking businesses have departed Quebec. It is difficult to conduct business in mandated French when most of Canada and North America do business in English, the international language.

The attitudes I perceive in the Oregon Hispanic community are harmful to Hispanic children, who must live and seek work in an English-speaking nation. "Bilingual" education—education in Spanish—is encouraged for example. Grade school-age children taught in their early years in Spanish may be handicapped in continuing their education in English, and employers understandably prefer an employee who speaks English fluently to one with an inadequate knowledge of the English language.

The Hispanic attitudes, if carried to their logical conclusion, could split the United States into official language enclaves where a native-born American would consider himself a stranger in his own country. To a degree that already is occurring in Miami and parts of Los Angeles.

Immigrants are free to speak their native language among themselves and to educate their children in the language and culture of the "Old Country" after regular school. Many immigrants acquire American language and culture, yet retain their heritage and contribute to the cultural wealth and diversity of the nation.

Any claim that the police must learn Spanish because Hispanics cannot learn English is insulting to Hispanics and is unwarranted. Any such claim is contradicted by the untold thousands of immigrant Hispanics who do learn English and achieve economic, educational, political and other success. What other immigrants have done, Hispanics have done and should do equally well.

The difference between immigrants who master English after entering the U.S. and those who do not appears to be commitment. Some set out immediately to learn the language and culture. They know that is expected of them and is necessary if they are to succeed economically.

Other immigrants of equal ability and education are content to do little or nothing. Perhaps they have been misled by the attitude that the police must learn Spanish, but they do not have to learn English.

That attitude is improper, harmful, and should be rejected.

Immigrants who deliberately refuse to learn English when they can do so may complain that the police do not understand them. They also may complain that they do not understand the "Miranda" warnings read to them.

In such instances the fault is not with the conscientious police officer. The fault lies with the immigrant who deliberately ignored his obligation to the U.S. by remaining ignorant.

Teaching police to speak Spanish and recruiting Spanish-speaking officers may lessen, but will not solve the problem. The solution is with the Hispanics, themselves.

Hispanic complaints will be reduced if the Hispanic community and its members commit themselves to mastering American language, law and customs for themselves, their children, and even the illegal aliens among them.

[From Hillsboro (OR) Argus, Dec. 22, 1983]

HISPANICS SAID EAGER TO LEARN ENGLISH

(EDITOR'S NOTE: The following article was written by Jose E. Solano, Centro Cultural public relations director and Washington County Migrant Education Coordinator.)

Mr. Henry Kane, in his published opinion (Hillsboro Argus, 12/13/83) on Hispanics and the English language, affords us an opportunity to address the unfortunately common ignorance and misconceptions held on this subject. We are impressed nevertheless by the openness he expresses when he states, "I would be happy to be corrected." Well, where shall we start?

Mr. Kane says he has not read that "Hispanic leaders place priority on preparing Hispanics" to learn first how to read write, and speak English. I don't know what he's been reading or not reading but as an Hispanic educator in touch with a great many Hispanic leaders, I can say that we place the highest priority on learning English well.

Migrant education and bilingual education programs make English language development their top priority. Literally hundreds of Hispanic adults try to enter the migrant education program in our country just to learn English and we can't accept them because we serve only school-age children. With their meager migrant worker salaries they can't afford the one or two English as a second language (ESL) courses available in Washington County colleges. (Remember, the national poverty line is double their average annual income.) If ESL classes were readily available they would be flooded, as are our summer secondary school classes for teenagers.

There is more to be said, but this should suffice to refute Mr. Kane's contention that Hispanics don't want to learn English.

Another common error is to compare Europena immigrants with Hispanics in the U.S. Let's remember that it was the Anglo population that emigrated west into Mexican territory. It was the Anglos that refused to adapt to the "language, law and customs" of Mexico as Mr. Kane wishes Mexicans to do in present U.S.

Particularly repulsive to the Anglos was the freeing of slaves, which Mexico insisted on. So the Anglos conquered the Mexican territories and imposed the Anglo language, customs, and law which included the acceptance of slavery and the general expropriation of Mexican and Indian land.

Denied a good education and decent wages and buffered by rampant racism, they did the only thing they could—which was to try and maintain their own communities, the "barrios," where they felt secure to live in harmony with their language and customs.

It is an error to imagine that when the Europeans arrived they quickly assimilated English language and customs. Having lived in New York for over 30 years, it was easy to observe that very few of the first generation ever learned functional English.

The 12/18/83 Oregonian reports of Swiss immigrants that never learned English in Washington County. But in the second and third generation it is the "foreign" language which, unfortunately, is lost, but this is because Europe is thousands of miles away over the ocean.

Proximity to Mexico and the rest of Latin America allows Hispanics to retain and appreciate their language and customs, and indeed, recognize its enormous importance. We see that in Europe, because of the short distances between countries, it is quite common to speak two, three, or more languages.

With superficial reasoning, Mr. Kane imagines that having more than one language in a nation is a cause of "Ill-will, divisivensess, and social friction." Carried further, that reasoning can conclude that having more than one religion, one culture, one race, or one political party also causes "divisiveness and social friction"—hence we should not allow these either. He could find endless examples from throughout history to support such a view. Yet we see that Switzerland is a model of national harmony and German, French, Italian, and Romansch are recognized "national languages." In Ireland only English is spoken and it is torn by social strife.

Mr. Kane says that in Quebec they "pit one Canadian against another on the irrelevant issue of language preference." But that isn't bilingualism. On the contrary, it is exactly what Mr. Kane espouses: "Language preference." Bilingualism tolerates and appreciates two or more languages. Speaking more than one language facilitates communication and understanding between cultures. It reduces tensions and improves social harmony. It would seem that this should be abundantly self evident almost by definition.

The real causes of enmity between people are prejudice, greed, and of course, stupidity. Harping on differences of language, religion, etc. as causes of social disorders is to see only the excuses and scapegoats provided to mask fundamental selfishness and egotism.

We delude ourselves if we think sameness enhances peace and harmony. There was sameness in Nazi Germany and we see what that produced. Cultural pluralism makes a nation more dynamic, creative, versatile, stronger, and more democratic.

Mr. Kane also is thoroughly misinformed about bilingual education. Bilingual education has existed for thousands of years and most often in the finest schools. It is an enriched educational program. In the U.S., children of limited English proficiency (LEP) are able to learn math, science, social studies, etc. while taking intensive English language courses. If they are given instruction only in English they are deprived of an opportunity to learn other subjects since they would not understand them. (Check Lau Vs. Nichols.)

Children of European immigrants had horrendous problems in this respect and the dropout rates were staggering. We have, to a significant extant, recognized better possibilities in our public schools today. We don't have to traumatize students of limited English proficiency.

By the way, among the earliest bilingual schools were those of the Germans in the Midwest around the 1850s. The Amish in Pennsylvania still have German/English bilingual education. We also have public French, Russian, Yiddish, Chinese, Albanian, and many other bilingual programs. Why, we even have a public elementary school in Clackamas County teaching Spanish in all grades and subjects to entirely Anglo students! Anglo parents are clamoring to get their kids into these classes. I think most parents would do the same in Washington County if given the option. Wouldn't you Mr. Kane? And it costs no more than what we have now.

Let's consider your difficulty with having the police learn Spanish. I believe we have to deal with realities pragmatically. As it is, great numbers of Hispanics do not have a real opportunity to learn English.

If they had the opportunity to learn English it would take a long time before they did. Many are coming from Mexico or from those sanctuaries we mentioned, the "Barrios" where they were forced to take shelter. They will keep on coming as long as you and the U.S. farmers need them to feed our nation, or as others seek a cheap labor market. They will be driving cars, having accidents, needing directions. Some may commit crimes, other will be falsely accused or crime victims.

There will be family feuds and—in short—have all the problems of anyone or group. It is therefore in the best interest of our community that police officers be able to communicate with them.

Often-times police officers are investigating a crime or other dangerous problem and are unable to communicate with key witnesses. In these circumstances they are very glad to find someone that can translate.

We cannot ignore these realities and the need to responsibly address them. What a great advantage it would be if the police could speak the language themselves. We must realize that we are speaking of an Hispanic community of many thousands of persons in Washington County. And they are paying taxes and purchasing also.

As a taxpayer, I think it is a very small price to pay for police officers to take courses that would provide them valuable job-related skills. I applaud the police departments making strikes in this direction.

Still better would be to employ more Hispanic police officers who, in addition to having Spanish language fluency, would be sensitive to the cultural differences. This would also help balance the extremely low proportion of ethnic minority police officers in Washington County. I realize they are conscientiously working in this direction also.

We should not react emotionally and ethnocentrically to terms such as "bilingualism" and "foreign" language instruction. We must never confound Americanism with Anglicism. That would be most unAmerican. Academically, we cannot speak of an "American culture" because our greatness consists of our multiplicity of cultures with the freedom and respect we afford them all.

I believe Mr. Kane, that you and others can become exponents of bilingualism and cultural pluralism if given the correct information and explanations. I would be happy to cordially pursue this dialogue with you. I can be reached through the Central Cultural of Washington County.

[From Hillsboro (OR) Argus, Dec. 22, 1983]

COUNTY'S HISPANIC WOES LAID TO NUMBERS HERE

(EDITOR'S NOTE: The following article was written by Edith Norinsky, 923 S.E. Baseline, Hillboro, who notes she is a relatively new resident of this area.)

I have been reading more and more recently about the allegedly growing problem of Spanish-speaking people who do not also speak English. The 12/14/83 issue of the Argus carried an article by H. Kane which I think pointed to the heart of the problem—that is the size of the Spanish-speaking immigrant group.

The size of the group, along with the fact it is diverse in terms of national origin and language/culture, are major factors. Because there are so many of them are naturally more visible. I would be inclined to think the latter is at least a partial reason for the appearance of not learning fast enough or being motivated enough to learn, as has been suggested.

FOR SURE, ALL of us have met many Spanish-speaking people who speak English quite well and generally have become assimilated.

The large number of other people who speak their mother tongue also makes it less pressing (for new immigrants) to learn a new language. This is an important difference from other, much smaller immigrant groups who were cast into the mainstream of American life with few others speaking their language. these groups learned earlier because of necessity.

Necessity was not the only factor, of course. There were many others. For example, many of the earlier groups came from more sophisticated urban centers and had differing degrees of exposure to media and educational resources, whereas this population derives largely from rural settings and has had little if any exposure to either.

ONCE IN THE states, the earlier groups had the advantage of smaller classes and more of the teachers' attention, which is not possible in today's crowded schools.

I have wondered about the effect of climate on the problem, as most of this group came from warm climates where the pace of life is, of necessity, much slower.

There probably are other factors to consider in meeting the needs of the community in trying to find solutions to problems as they arise. So, it appears that we may need to become to some extent bilingual even while we ponder the problem. That certainly can do no harm and may improve communications between the two largest groups in many communities.

Who knows? It might even be fund to learn a new language and about another culture now substantially a part of the American scene.

HENRY KANE,
ATTORNEY AT LAW,
Beaverton, OR, December 29, 1983.

JOHN TYNER, Esq.,
Beaverton, OR.

DEAR JOHN: This is a follow-up on the Hispanic language problem.

First, I have reviewed the Dec. 22, 1983 Jose E. Solano response to my letter and am happy to learn "that we place the highest priority on learning English well."

Second, would you please inform me of the number of classes of all kinds available to Hispanics to learn English or to improve their mastery of English in Washington county in particular and the Portland metropolitan area in general.

What I am hoping to learn, for example, is that the local school districts, local churches, local community organizations, and not least, the Hispanic community, are operating English as a second language or equivalent classes for adults. I am hoping that you will inform me that there are state and/or federal grants available for such instruction and that maximum effort has been made to obtain and make maximum use of such grants.

Perhaps you will summarize the volunteer efforts of the Hispanic community to aid members to learn, improve or master English, e.g., the names of persons such as Mr. Solano, members of your committee, and Hector Godoy, where and when they teach, and the number of their students.

In short, what is the Hispanic community of Washington county doing to implement the position "that we place the highest priority on learning English well."?

This outsider respectfully suggests that the answers to the above questions be summarized for public dissemination.

I can think of few actions that would aid community acceptance of the Hispanic community than an authoritative summary of efforts made to aid Hispanics to master English, and community realization that the Hispanic community, in fact, is making a maximum effort in this important area. For all I know, for example, the community and/or various organizations distributes videocassette tapes of ESL lessons, and is asking Oregon Public Television to run ESL classes.

And for all I know the Hispanic community has recruited non-Spanish-speaking volunteers to speak to Hispanics on U.S. culture, customs and laws, etc. If there are such classes, I'll volunteer to lecture. However, I stopped at one year of high school Spanish and have forgotten 99% of what I learned some 41 years ago.

There are a number of passages in Mr. Solano's letter that cause me concern from the standpoint of encouraging Hispanics to master English.

The second column indicates there are but one or two ESL courses in colleges in Washington county colleges and that many would-be students cannot afford the tuition.

This factor raises the question of whether state/federal grants are available, and if not, what, if anything, can be done to obtain such grants in future state/federal budgets.

Assuming argendo that there are no federal funds for ESL instruction for Hispanics, perhaps the Reagan administration can be encouraged to "woo" the Hispanic vote by asking Congress for such funds. I suspect that the Democratic party presidential hopefuls would be inclined to encourage the concept or principle. The time to ask is before primary and general elections.

And if funds are unavailable, what can the community at large, not merely the Hispanic community, do in the way of volunteer teachers meeting in schools at night and/or churches or community facilities during the day?

And does the Hispanic community have a list of Spanish-speaking volunteers given to the sheriff and various police departments who have volunteered to aid law enforcement authorities, e.g., by riding as a volunteer in police cars and being "on call" or short notice?

There are a number of matters with which I could take issue in Mr. Solano's letter, but they are irrelevant to my purpose of encouraging the maximum amount of ESL, etc. instruction to aid all members of the Hispanic community.

The Solano letter can be interpreted to stand for the proposition that first generation Hispanics should not be expected to learn English because other immigrants have not done so.

I accept as correct that many first generation immigrants have not learned English, but the distinction between them and Hispanics is that earlier immigrants were not demanding that law enforcement authorities learn the immigrant's native language. Again, I stand to and would be happy to be corrected.

The Dec. 27, 1983 Hillsboro Argus article on the issue said at the bottom of the first column: "Both Caucasian and Hispanic members * * *.

Subject to correction, I respectfully submit that if the term "Caucasian" is used, almost all, if not all, Hispanics should be identified as "Caucasian." I have a great-grandson, Ernesto Morales, Jr., who will be five this 12/31/83, whose mother is my caucasian granddaughter and whose father is the son of Mexican immigrants (who do not speak English, I am told). "Little Ernie as we call him, is "caucasian" in appearance and fact.

If members of your committee must be differentiated, I respectfully suggest use of "Hispanic" and "non-Hispanic. "Caucasian," it is submitted, is less than accurate. My understanding is that many Hispanics are a mixutre of various groups, e.g., Spaniards and Indians, while others such as residents of the Argentine and migrants from Spain and citizens of Mexico, for example, who have not inter-married, consider themselves "Caucasians."

During our recent telephone conversation you mentioned a certain book. It may be appropriate to obtain maximum distribution of that book.

One of my post-WW II college instructors was an Army WAC who learned Japanese in part by watching Japanese films week after week. She said they all had the same theme of a family in which the husband goes wrong, the wife carries on and by her efforts her erring husband reforms.

It appears to me that one method of learning English is to combine instruction with television-watching.

Somewhere I read of a Russian immigrant girl who came to the U.S. at the age of 13 and learned English by watching American TV for two months. She later married a lawyer who won a lawsuit compelling the University of California at Davies to admit her to its medical school on her merits after she rejected "affirmative action" as a minority.

I have nothing against bi-culturism in its proper sphere. As a child I was influenced by a culture that assumed one who did not speak French was uneducated. My late mother spoke beautiful French learned in Canada after she and her family moved from London to Montreal. I studied French in high school, and some years ago, at PSU at night.

Mr. Solano's letter concludes:

"We should not react emotionally and ethnocentrically to terms such as 'bilingualism' and 'foreign' language instruction. We must never confound Americanism with Anglicism. That would be most unAmerican. Academically, we cannot speak of an 'American culture' because our greatness consists of our multiplicity of cultures with the freedom and respect we afford them all.

"I believe Mr. Kane that you and others can become exponents of bilingualism and cultural pluralism if given the correct information and explanations. * * *"

I cannot speak for others, of course, but I do not believe I react emotionally to bilingualism and foreign language instruction when those terms are used in their proper contexts. Emotionally or otherwise, I oppose official recognition of and expenditures for a foreign language to benefit, among others, foreign language speaking residents, legal and otherwise, who have not made the maximum effort to master the official language of the nation in which they reside by birth, choice, migration, etc., and expect the U.S. to accommodate to them, and not otherwise.

Mr. Solano and I disagree on what is an "American culture," although we agree that it is diverse with many roots and offshoots.

American culture, for example, is rooted in political and other pluralism represented by elections in which anyone such as ex-Rep. Anderson can compete by forming a political party. Elections are the "norm" in the U.S. Can it be said that free elections of the American variety are the "norm" in Mexico, Central America, South America and Spain?

Foreign visitors to the U.S. recognize "American culture" and citizens of various nations, including Russia, attempt to emulate some of the material aspects of our culture, e.g., wearing of "jeans."

American culture, it is submitted, is closer to the culture of the nations of northern Europe such as England, than it is to the culture of Mexico, Spain and Spanish America.

American culture includes democracy—the right of self-government—derived in part from England.

Query: where in a history of Mexico, Central American or South America will I find an equivalent tradition of self-government starting with the first settlers?

Query: where in such a history will I find references to the equivalent in the United States of the expectation that public officials shall be honest, shall not accept graft/bribes, and if they break the law, are held to account for their transgressions?

As a generality, Mexico, Brazil and Central and South America were settled about one century earlier than the first English, Dutch and Swedish colonies of North America. For various reasons what is now the United States prospered, while much of Hispanic America has not developed/prospered to the same extent.

One reason, it is submitted, was and is the difference between the "American" culture and the Hispanic culture. The two cultures differ, and the dominant one in the United States is the "American" culture that spread from the original 13 colonies/states on the Atlantic Coast.

It is respectfully submitted that Hispanics will prosper materially and culturally to the extent that they accept the best of "American" culture, e.g., initiative and thirst for education, volunteerism, and they can do so without abandoning their Hispanic culture. It is not "either-or."

Assuming there is continuing public discussion on the issue, it is submitted that discussion without *ad hominem* and other personal references is most effective.

Mr. Solano's letter does not indicate to me that the Hispanic community of Washington county is conducting/encouraging an all-out, maximum effort to enable any member of the Hispanic community who wishes to master English to do so. Instead, the letter refers to lack of funds, etc.

Were such an all-out program undertaken there would be little need to spend tax money to teach law enforcement officers to speak Spanish.

And I have no objection to use of tax monies to instruct Hispanics in English and would publicly support such expenditures. But I do object to use of tax funds to instruct law enforcement authorities to speak Spanish because of the premise that Americans must learn to speak Spanish because Hispanics cannot or will not master English.

And if there is an "emergency," who created the "emergency?" Certainly not the people of Washington County!

Please feel free to distribute copies of this letter to anyone you desire, including but not limited to Mr. Solano.

Sincerely,

HENRY KANE.